

Union Calendar No. 429

111TH CONGRESS }
2d Session

HOUSE OF REPRESENTATIVES

{ REPORT
111-706

REPORT ON THE ACTIVITY
OF THE
COMMITTEE ON ENERGY AND COMMERCE
FOR THE
ONE HUNDRED ELEVENTH CONGRESS



JANUARY 3, 2011.—Committed to the Committee of the Whole House on
the State of the Union and ordered to be printed

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LETTER OF TRANSMITTAL

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, January 3, 2011.

Hon. LORRAINE C. MILLER,
Clerk, House of Representatives,
Washington, DC.

DEAR MS. MILLER: Pursuant to clause 1(d) of rule XI of the Rules of the House of Representatives, I present herewith a report on the activity of the Committee on Energy and Commerce for the 111th Congress, including the Committee's review and study of legislation within its jurisdiction and the oversight activities undertaken by the Committee.

Sincerely,

HENRY A. WAXMAN,
Chairman.

CONTENTS

	Page
Jurisdiction	1
Rules for the Committee	3
Members and Organization	13
Committee Staff	20
Legislative and Oversight Summary	23
Subcommittee on Commerce, Trade, and Consumer Protection	29
Subcommittee on Communications, Technology, and the Internet	61
Subcommittee on Energy and Environment	87
Subcommittee on Health	127
Subcommittee on Oversight and Investigations	215
Appendix I—Oversight Plan for the 111th Congress	241
Appendix II—Statistical Summary of Activity	249
Appendix III—Public Laws	251
Appendix IV—Publications of the Committee	253

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JANUARY 3, 2011.—Committed to the Committee of the Whole House on the State
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Mr. WAXMAN, from the Committee on Energy and Commerce,
submitted the following

R E P O R T

ACTIVITY OF THE COMMITTEE ON ENERGY AND COMMERCE, 111TH CONGRESS

COMMITTEE JURISDICTION

The jurisdiction of the Committee on Energy and Commerce, as prescribed by clause 1(f) of rule X of the Rules of the House of Representatives in the 111th Congress, is as follows:

- (1) Biomedical research and development.
- (2) Consumer affairs and consumer protection.
- (3) Health and health facilities (except health care supported by payroll deductions).
- (4) Interstate energy compacts.
- (5) Interstate and foreign commerce generally.
- (6) Exploration, production, storage, supply, marketing, pricing, and regulation of energy resources, including all fossil fuels, solar energy, and other unconventional or renewable energy resources.
- (7) Conservation of energy resources.
- (8) Energy information generally.
- (9) The generation and marketing of power (except by federally chartered or Federal regional power marketing authorities); reliability and interstate transmission of, and ratemaking for, all power; and siting of generation facilities (except the installation of interconnections between Government waterpower projects).
- (10) General management of the Department of Energy and management and all functions of the Federal Energy Regulatory Commission.
- (11) National energy policy generally.

(12) Public health and quarantine.

(13) Regulation of the domestic nuclear energy industry, including regulation of research and development reactors and nuclear regulatory research.

(14) Regulation of interstate and foreign communications.

(15) Travel and tourism.

The committee shall have the same jurisdiction with respect to regulation of nuclear facilities and of use of nuclear energy as it has with respect to regulation of non-nuclear facilities and of use of non-nuclear energy.

In addition, clause 3(e) of Rule X of the Rules of the House of Representatives provides that the Committee on Energy and Commerce shall review and study on a continuing basis laws, programs, and Government activities relating to nuclear and other energy and nonmilitary nuclear energy research and development including the disposal of nuclear waste.

**RULES FOR THE COMMITTEE ON ENERGY AND COMMERCE,
U.S. HOUSE OF REPRESENTATIVES, 111TH
CONGRESS**

(Adopted January 14, 2009)

RULE 1.—GENERAL PROVISIONS

(a) *Rules of the Committee.*—The Rules of the House are the rules of the Committee on Energy and Commerce (hereinafter “the Committee”) and its subcommittees so far as is applicable.

(b) *Rules of the Subcommittees.*—Each subcommittee of the Committee is part of the Committee and is subject to the authority and direction of the Committee and to its rules so far as applicable. Written rules adopted by the Committee, not inconsistent with the Rules of the House, shall be binding on each subcommittee of the Committee.

RULE 2.—MEETINGS

(a) *Regular Meeting Days.*—The Committee shall meet on the fourth Tuesday of each month at 10 a.m., for the consideration of bills, resolutions, and other business, if the House is in session on that day. If the House is not in session on that day and the Committee has not met during such month, the Committee shall meet at the earliest practicable opportunity when the House is again in session. The chairman of the Committee may, at his discretion, cancel, delay, or defer any meeting required under this section, after consultation with the ranking minority member.

(b) *Additional Meetings.*—The chairman may call and convene, as he considers necessary, additional meetings of the Committee for the consideration of any bill or resolution pending before the Committee or for the conduct of other Committee business. The Committee shall meet for such purposes pursuant to that call of the chairman.

(c) *Notice.*—The date, time, place, and subject matter of any meeting of the Committee or its subcommittees scheduled on a Tuesday, Wednesday, or Thursday when the House will be in session shall be announced at least 36 hours (exclusive of Saturdays, Sundays, and legal holidays except when the House is in session on such days) in advance of the commencement of such meeting. The date, time, place, and subject matter of other meetings shall be announced at least 72 hours in advance of the commencement of such meeting.

(d) *Agenda.*—The agenda for each Committee or subcommittee meeting, setting out all items of business to be considered, shall be provided to each member of the Committee at least 36 hours in advance of such meeting.

(e) *Availability of Texts.*—No bill, recommendation, or other matter reported by a subcommittee shall be considered by the Committee unless the text of the matter reported, together with an explanation, has been available to members of the Committee for at least 36 hours. Such explanation shall include a summary of the major provisions of the legislation, an explanation of the relationship of the matter to present law, and a summary of the need for the legislation.

(f) *Waiver.*—The requirements of subsections (c), (d), and (e) may be waived by a majority of those present and voting (a majority being present) of the Committee or subcommittee, or by the chairman with the concurrence of the ranking member, as the case may be.

RULE 3.—HEARINGS

(a) *Notice.*—The date, time, place, and subject matter of any hearing of the Committee or any of its subcommittees shall be announced at least one week in advance of the commencement of such hearing, unless a determination is made in accordance with clause 2(g)(3) of Rule XI of the Rules of the House that there is good cause to begin the hearing sooner.

(b) *Memorandum.*—Each member of the Committee or subcommittee shall be provided, except in the case of unusual circumstances, with a memorandum at least 48 hours before each hearing explaining (1) the purpose of the hearing and (2) the names of any witnesses.

(c) *Witnesses.*—(1) Each witness who is to appear before the Committee or a subcommittee shall file with the clerk of the Committee, at least two working days in advance of his or her appearance, sufficient copies, as determined by the chairman of the Committee or a subcommittee, of a written statement of his or her proposed testimony to provide to members and staff of the Committee or subcommittee, the news media, and the general public. Each witness shall, to the greatest extent practicable, also provide a copy of such written testimony in an electronic format prescribed by the chairman. Each witness shall limit his or her oral presentation to a brief summary of the argument. The chairman of the Committee or of a subcommittee, or the presiding member, may waive the requirements of this paragraph or any part thereof.

(2) To the greatest extent practicable, the written testimony of each witness appearing in a nongovernmental capacity shall include a curriculum vitae and a disclosure of the amount and source (by agency and program) of any federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two preceding fiscal years by the witness or by an entity represented by the witness.

(d) *Questioning.*—(1) The right to interrogate the witnesses before the Committee or any of its subcommittees shall alternate between majority and minority members. Each member shall be limited to 5 minutes in the interrogation of witnesses until such time as each member who so desires has had an opportunity to question witnesses. No member shall be recognized for a second period of 5 minutes to interrogate a witness until each member of the Committee or subcommittee present has been recognized once for that

purpose. While the Committee or subcommittee is operating under the 5 minute rule for the interrogation of witnesses, the chairman shall recognize in order of appearance members who were not present when the meeting was called to order after all members who were present when the meeting was called to order have been recognized in the order of seniority on the Committee or subcommittee, as the case may be.

(2) The chairman with the concurrence of the ranking minority member, or the Committee by motion, may permit an equal number of majority and minority members to question a witness for a specified, total period that is equal for each side and not longer than thirty minutes for each side. The chairman with the concurrence of the ranking minority member, or the Committee by motion, may also permit committee staff of the majority and minority to question a witness for a specified, total period that is equal for each side and not longer than thirty minutes for each side.

(3) Each member may submit to the chairman of the Committee or the subcommittee additional questions for the record, to be answered by the witnesses who have appeared. Each member shall provide a copy of the questions in an electronic format to the clerk of the Committee no later than ten business days following a hearing. The chairman shall transmit all questions received from members of the Committee or the subcommittee to the appropriate witness and include the transmittal letter and the responses from the witnesses in the hearing record.

RULE 4.—VICE CHAIRMEN; PRESIDING MEMBER

The chairman shall designate a member of the majority party to serve as vice chairman of the Committee, and shall designate a majority member of each subcommittee to serve as vice chairman of each subcommittee. The vice chairman of the Committee or subcommittee, as the case may be, shall preside at any meeting or hearing during the temporary absence of the chairman. If the chairman and vice chairman of the Committee or subcommittee are not present at any meeting or hearing, the ranking member of the majority party who is present shall preside at the meeting or hearing.

RULE 5.—OPEN PROCEEDINGS

Except as provided by the Rules of the House, each meeting and hearing of the Committee or any of its subcommittees for the transaction of business, including the markup of legislation, and each hearing, shall be open to the public, including to radio, television, and still photography coverage, consistent with the provisions of Rule XI of the Rules of the House.

RULE 6.—QUORUM

Testimony may be taken and evidence received at any hearing at which there are present not fewer than two members of the Committee or subcommittee in question. A majority of the members of the Committee or subcommittee shall constitute a quorum for those actions for which the House rules require a majority quorum. For

the purposes of taking any other action, one-third of the members of the Committee or subcommittee shall constitute a quorum.

RULE 7.—OFFICIAL COMMITTEE RECORDS

(a)(1) *Journal*.—The proceedings of the Committee and its subcommittees shall be recorded in a journal which shall, among other things, show those present at each meeting, and include a record of the vote on any question on which a record vote is demanded and a description of the amendment, motion, order, or other proposition voted. A copy of the journal shall be furnished to the ranking minority member.

(2) *Record Votes*.—A record vote may be demanded by one-fifth of the members present or, in the apparent absence of a quorum, by any one member. No demand for a record vote shall be made or obtained except for the purpose of procuring a record vote or in the apparent absence of a quorum. The result of each record vote in any meeting of the Committee and its subcommittees shall be made available in the Committee office for inspection by the public, as provided in Rule XI, clause 2(e) of the Rules of the House. The Chairman also shall make the record of the votes on any question on which a record vote is demanded available on the Committee's website not later than 2 business days after such vote is taken. Such record shall include a description of the amendment, motion, order, or other proposition, the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and the names of those members of the committee present but not voting.

(b) *Archived Records*.—The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule VII of the Rules of the House. The chairman shall notify the ranking minority member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the Rule, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on the written request of any member of the Committee. The chairman shall consult with the ranking minority member on any communication from the Archivist of the United States or the Clerk of the House concerning the disposition of noncurrent records pursuant to clause 3(b) of the Rule.

RULE 8.—SUBCOMMITTEES

(a) *Establishment*.—There shall be such standing subcommittees with such jurisdiction and size as determined by the majority party caucus of the Committee. The jurisdiction, number, and size of the subcommittees shall be determined by the majority party caucus prior to the start of the process for establishing subcommittee chairmanships and assignments.

(b) *Powers and Duties*.—Each subcommittee is authorized to meet, hold hearings, receive testimony, mark up legislation, and report to the Committee on all matters referred to it. Subcommittee chairmen shall set hearing and meeting dates only with the approval of the chairman of the Committee with a view toward assuring the availability of meeting rooms and avoiding simultaneous

scheduling of Committee and subcommittee meetings or hearings whenever possible.

(c) *Ratio of Subcommittees.*—The majority caucus of the Committee shall determine an appropriate ratio of majority to minority party members for each subcommittee and the chairman shall negotiate that ratio with the minority party, provided that the ratio of party members on each subcommittee shall be no less favorable to the majority than that of the full Committee, nor shall such ratio provide for a majority of less than two majority members.

(d) *Selection of Subcommittee Members.*—Prior to any organizational meeting held by the Committee, the majority and minority caucuses shall select their respective members of the standing subcommittees.

(e) *Ex Officio Members.*—The chairman and ranking minority member of the Committee shall be ex officio members with voting privileges of each subcommittee of which they are not assigned as members and may be counted for purposes of establishing a quorum in such subcommittees. The chairman emeritus shall be an ex officio member without voting privileges of each subcommittee of which the chairman emeritus is not assigned as a member and may not be counted for purposes of establishing a quorum on any such subcommittee.

(f) *Subcommittee on Witness Inquiry.*—There shall also be established a Subcommittee on Witness Inquiry that may examine witnesses in executive session pursuant to House Rule XI, clause 2(g)(2) and 2(k)(5). The subcommittee shall be comprised of two members of the majority party appointed at the discretion of the chairman and one member of the minority party appointed at the discretion of the ranking minority member. Subsections (a), (b), (c), (d), and (e) shall not apply to the Subcommittee.

RULE 9.—OPENING STATEMENTS

(a) *Written Statements.*—All written opening statements at business meetings conducted by the committee or any of its subcommittees shall be made part of the permanent record.

(b) *Length.*—Statements shall be limited to 5 minutes each for the chairman and ranking minority member (or their respective designee) of the Committee or subcommittee, as applicable, and 3 minutes each for all other members. At any business meeting of the full Committee, the chairman may limit opening statements for Members (including, at the discretion of the Chairman, the chairman and ranking minority member) to one minute.

RULE 10.—REFERENCE OF LEGISLATION AND OTHER MATTERS

All legislation and other matters referred to the Committee shall be referred to the subcommittee of appropriate jurisdiction within two weeks of the date of receipt by the Committee unless action is taken by the full Committee within those two weeks, or by majority vote of the members of the Committee, consideration is to be by the full Committee. In the case of legislation or other matter within the jurisdiction of more than one subcommittee, the chairman of the Committee may, in his discretion, refer the matter simultaneously to two or more subcommittees for concurrent consideration, or may

designate a subcommittee of primary jurisdiction and also refer the matter to one or more additional subcommittees for consideration in sequence (subject to appropriate time limitations), either on its initial referral or after the matter has been reported by the subcommittee of primary jurisdiction. Such authority shall include the authority to refer such legislation or matter to an ad hoc subcommittee appointed by the chairman, with the approval of the Committee, from the members of the subcommittees having legislative or oversight jurisdiction.

RULE 11.—MANAGING LEGISLATION ON THE HOUSE FLOOR

The chairman, in his discretion, shall designate which member shall manage legislation reported by the Committee to the House.

RULE 12.—COMMITTEE PROFESSIONAL AND CLERICAL STAFF APPOINTMENTS

(a) *Delegation of Staff*.—Whenever the chairman of the Committee determines that any professional staff member appointed pursuant to the provisions of clause 9 of Rule X of the House of Representatives, who is assigned to such chairman and not to the ranking minority member, by reason of such professional staff member's expertise or qualifications will be of assistance to one or more subcommittees in carrying out their assigned responsibilities, he may delegate such member to such subcommittees for such purpose. A delegation of a member of the professional staff pursuant to this subsection shall be made after consultation with subcommittee chairmen and with the approval of the subcommittee chairman or chairmen involved.

(b) *Minority Professional Staff*.—Professional staff members appointed pursuant to clause 9 of Rule X of the House of Representatives, who are assigned to the ranking minority member of the Committee and not to the chairman of the Committee, shall be assigned to such Committee business as the minority party members of the Committee consider advisable.

(c) *Additional Staff Appointments*.—In addition to the professional staff appointed pursuant to clause 9 of Rule X of the House of Representatives, the chairman of the Committee shall be entitled to make such appointments to the professional and clerical staff of the Committee as may be provided within the budget approved for such purposes by the Committee. Such appointee shall be assigned to such business of the full Committee as the chairman of the Committee considers advisable.

(d) *Sufficient Staff*.—The chairman shall ensure that sufficient staff is made available to each subcommittee to carry out its responsibilities under the rules of the Committee.

(e) *Fair Treatment of Minority Members in Appointment of Committee Staff*.—The chairman shall ensure that the minority members of the Committee are treated fairly in appointment of Committee staff.

(f) *Contracts for Temporary or Intermittent Services*.—Any contract for the temporary services or intermittent service of individual consultants or organizations to make studies or advise the Committee or its subcommittees with respect to any matter within

their jurisdiction shall be deemed to have been approved by a majority of the members of the Committee if approved by the chairman and ranking minority member of the Committee. Such approval shall not be deemed to have been given if at least one-third of the members of the Committee request in writing that the Committee formally act on such a contract, if the request is made within 10 days after the latest date on which such chairman or chairmen, and such ranking minority member or members, approve such contract.

RULE 13.—SUPERVISION, DUTIES OF STAFF

(a) *Supervision of Majority Staff.*—The professional and clerical staff of the Committee not assigned to the minority shall be under the supervision and direction of the chairman who, in consultation with the chairmen of the subcommittees, shall establish and assign the duties and responsibilities of such staff members and delegate such authority as he determines appropriate.

(b) *Supervision of Minority Staff.*—The professional and clerical staff assigned to the minority shall be under the supervision and direction of the minority members of the Committee, who may delegate such authority as they determine appropriate.

RULE 14.—COMMITTEE BUDGET

(a) *Preparation of Committee Budget.*—The chairman of the Committee, after consultation with the ranking minority member of the Committee and the chairmen of the subcommittees, shall for the 111th Congress prepare a preliminary budget for the Committee, with such budget including necessary amounts for professional and clerical staff, travel, investigations, equipment and miscellaneous expenses of the Committee and the subcommittees, and which shall be adequate to fully discharge the Committee's responsibilities for legislation and oversight. Such budget shall be presented by the chairman to the majority party caucus of the Committee and thereafter to the full Committee for its approval.

(b) *Approval of the Committee Budget.*—The chairman shall take whatever action is necessary to have the budget as finally approved by the Committee duly authorized by the House. No proposed Committee budget may be submitted to the Committee on House Administration unless it has been presented to and approved by the majority party caucus and thereafter by the full Committee. The chairman of the Committee may authorize all necessary expenses in accordance with these rules and within the limits of the Committee's budget as approved by the House.

(c) *Monthly Expenditures Report.*—Committee members shall be furnished a copy of each monthly report, prepared by the chairman for the Committee on House Administration, which shows expenditures made during the reporting period and cumulative for the year by the Committee and subcommittees, anticipated expenditures for the projected Committee program, and detailed information on travel.

RULE 15.—BROADCASTING OF COMMITTEE HEARINGS

Any meeting or hearing that is open to the public may be covered in whole or in part by radio or television or still photography, subject to the requirements of clause 4 of Rule XI of the Rules of the House. The coverage of any hearing or other proceeding of the Committee or any subcommittee thereof by television, radio, or still photography shall be under the direct supervision of the chairman of the Committee, the subcommittee chairman, or other member of the Committee presiding at such hearing or other proceeding and may be terminated by such member in accordance with the Rules of the House.

RULE 16.—SUBPOENAS

The chairman of the Committee may, after consultation with the ranking minority member, authorize and issue a subpoena under clause 2(m) of Rule XI of the House. If the ranking minority member objects to the proposed subpoena in writing, the matter shall be referred to the Committee for resolution. The chairman of the Committee may authorize and issue subpoenas without referring the matter to the Committee for resolution during any period for which the House has adjourned for a period in excess of 3 days when, in the opinion of the chairman, authorization and issuance of the subpoena is necessary. The chairman shall report to the members of the Committee on the authorization and issuance of a subpoena during the recess period as soon as practicable but in no event later than one week after service of such subpoena.

RULE 17.—TRAVEL OF MEMBERS AND STAFF

(a) *Approval of Travel.*—Consistent with the primary expense resolution and such additional expense resolutions as may have been approved, travel to be reimbursed from funds set aside for the Committee for any member or any staff member shall be paid only upon the prior authorization of the chairman. Travel may be authorized by the chairman for any member and any staff member in connection with the attendance of hearings conducted by the Committee or any subcommittee thereof and meetings, conferences, and investigations which involve activities or subject matter under the general jurisdiction of the Committee. Before such authorization is given there shall be submitted to the chairman in writing the following: (1) the purpose of the travel; (2) the dates during which the travel is to be made and the date or dates of the event for which the travel is being made; (3) the location of the event for which the travel is to be made; and (4) the names of members and staff seeking authorization.

(b) *Approval of Travel by Minority Members and Staff.*—In the case of travel by minority party members and minority party professional staff for the purpose set out in (a), the prior approval, not only of the chairman but also of the ranking minority member, shall be required. Such prior authorization shall be given by the chairman only upon the representation by the ranking minority member in writing setting forth those items enumerated in (1), (2), (3), and (4) of paragraph (a).

RULE 18.

The chairman shall maintain an official Committee website for the purposes of furthering the Committee's legislative and oversight responsibilities, including communicating information about the Committee's activities to Committee members and other members of the House. The ranking minority member may maintain an official website for the purpose of carrying out official responsibilities, including communicating information about the activities of the minority members of the Committee to Committee members and other members of the House.

RULE 19.

The chairman of the Committee is directed to offer a motion under clause 1 of Rule XXII of the Rules of the House whenever the chairman considers it appropriate.

MEMBERSHIP AND ORGANIZATION OF THE COMMITTEE ON ENERGY AND COMMERCE

ONE HUNDRED ELEVENTH CONGRESS

COMMITTEE ON ENERGY AND COMMERCE

(Ratio 36-23)

HENRY A. WAXMAN, California, *Chairman*

JOHN D. DINGELL, Michigan, <i>Chairman Emeritus</i>	JOE BARTON, Texas, <i>Ranking Member</i>
EDWARD J. MARKEY, Massachusetts	RALPH M. HALL, Texas
RICK BOUCHER, Virginia	FRED UPTON, Michigan
FRANK PALLONE, JR., New Jersey	CLIFF STEARNS, Florida
BART GORDON, Tennessee	NATHAN DEAL, Georgia
BOBBY L. RUSH, Illinois	ED WHITFIELD, Kentucky
ANNA G. ESHOO, California	JOHN SHIMKUS, Illinois
BART STUPAK, Michigan	JOHN B. SHADEGG, Arizona
ELIOT L. ENGEL, New York	ROY BLUNT, Missouri, <i>Deputy Ranking Member</i>
GENE GREEN, Texas	STEVE BUYER, Indiana
DIANA DeGETTE, Colorado, <i>Vice Chairman</i>	GEORGE RADANOVICH, California
LOIS CAPPS, California	JOSEPH R. PITTS, Pennsylvania
MIKE DOYLE, Pennsylvania	MARY BONO MACK, California
JANE HARMAN, California	GREG WALDEN, Oregon
JAN SCHAKOWSKY, Illinois	LEE TERRY, Nebraska
CHARLES A. GONZALEZ, Texas	MIKE ROGERS, Michigan
JAY INSLEE, Washington	SUE WILKINS MYRICK, North Carolina
TAMMY BALDWIN, Wisconsin	JOHN SULLIVAN, Oklahoma
MIKE ROSS, Arkansas	TIM MURPHY, Pennsylvania
ANTHONY D. WEINER, New York	MICHAEL C. BURGESS, Texas
JIM MATHESON, Utah	MARSHA BLACKBURN, Tennessee
G.K. BUTTERFIELD, North Carolina	PHIL GINGREY, Georgia
CHARLIE MELANCON, Louisiana	STEVE SCALISE, Louisiana
JOHN BARROW, Georgia	PARKER GRIFFITH, Alabama
BARON P. HILL, Indiana	ROBERT E. LATTA, Ohio
DORIS O. MATSUI, California	
DONNA M. CHRISTENSEN, Virgin Islands	
KATHY CASTOR, Florida	
JOHN P. SARBANES, Maryland	
CHRISTOPHER S. MURPHY, Connecticut	
ZACHARY T. SPACE, Ohio	
JERRY McNERNEY, California	
BETTY SUTTON, Ohio	
BRUCE L. BRALEY, Iowa	
PETER WELCH, Vermont	

SUBCOMMITTEE MEMBERSHIPS AND JURISDICTION

(RATIOS DO NOT INCLUDE EX-OFFICIO MEMBERS)

SUBCOMMITTEE ON COMMERCE, TRADE, AND CONSUMER PROTECTION

(Ratio 18–11)

BOBBY L. RUSH, Illinois, *Chairman*

JAN SCHAKOWSKY, Illinois <i>Vice Chairman</i>	ED WHITFIELD, Kentucky <i>Ranking Member</i>
JOHN P. SARBANES, Maryland	GEORGE RADANOVICH, California
BETTY SUTTON, Ohio	CLIFF STEARNS, Florida
FRANK PALLONE, JR., New Jersey	JOSEPH R. PITTS, Pennsylvania
BART GORDON, Tennessee	MARY BONO MACK, California
BART STUPAK, Michigan	SUE WILKINS MYRICK, North Carolina
LEE TERRY, Nebraska	TIM MURPHY, Pennsylvania
GENE GREEN, Texas	PHIL GINGREY, Georgia
CHARLES A. GONZALEZ, Texas	STEVE SCALISE, Louisiana
ANTHONY D. WEINER, New York	ROBERT E. LATTA, Ohio
JIM MATHESON, Utah	JOE BARTON, Texas, (<i>Ex Officio</i>)
G. K. BUTTERFIELD, North Carolina	
JOHN BARROW, Georgia	
DORIS O. MATSUI, California	
KATHY CASTOR, Florida	
ZACHARY T. SPACE, Ohio	
BRUCE L. BRALEY, Iowa	
DIANA DEGETTE, Colorado	
JOHN D. DINGELL, Michigan (<i>Ex Officio</i> - <i>non-voting</i>)	
HENRY A. WAXMAN, California (<i>Ex Officio</i>)	

Jurisdiction: Interstate and foreign commerce, including all trade matters within the jurisdiction of the full committee; regulation of commercial practices (the FTC), including sports-related matters; consumer affairs and consumer protection, including privacy matters generally; consumer product safety (the CPSC); and product liability; and motor vehicle safety; regulation of travel, tourism, and time; and toxic substances and noise pollution.

SUBCOMMITTEE ON COMMUNICATIONS, TECHNOLOGY, AND THE INTERNET

(Ratio 21-13)

RICK BOUCHER, Virginia, *Chairman*

EDWARD J. MARKEY, Massachusetts	CLIFF STEARNS, Florida, <i>Ranking Member</i>
BART GORDON, Tennessee	FRED UPTON, Michigan
BOBBY L. RUSH, Illinois	NATHAN DEAL, Georgia
ANNA G. ESHOO, California	JOHN SHIMKUS, Illinois
BART STUPAK, Michigan	JOHN B. SHADEGG, Arizona
DIANA DeGETTE, Colorado	ROY BLUNT, Missouri
MIKE DOYLE, Pennsylvania	STEVE BUYER, Indiana
JAY INSLEE, Washington	GEORGE RADANOVICH, California
ANTHONY D. WEINER, New York	MARY BONO MACK, California
<i>Vice Chairman</i>	GREG WALDEN, Oregon
G.K. BUTTERFIELD, North Carolina	LEE TERRY, Nebraska
CHARLIE MELANCON, Louisiana	MIKE ROGERS, Michigan
BARON P. HILL, Indiana	MARSHA BLACKBURN, Tennessee
DORIS O. MATSUI, California	PARKER GRIFFITH, Alabama
DONNA M. CHRISTENSEN, Virgin Islands	ROBERT E. LATTA, Ohio
KATHY CASTOR, Florida	JOE BARTON, Texas (<i>Ex Officio</i>)
CHRISTOPHER S. MURPHY, Connecticut	
ZACHARY T. SPACE, Ohio	
JERRY McNERNEY, California	
PETER WELCH, Vermont	
JOHN D. DINGELL, Michigan	
HENRY A. WAXMAN, California	
(<i>Ex Officio</i>)	

Jurisdiction: Interstate and foreign telecommunications, including but not limited to all telecommunication and information transmission by broadcast, radio, wire, microwave, satellite, or other mode.

SUBCOMMITTEE ON ENERGY AND ENVIRONMENT

(Ratio 21–13)

EDWARD J. MARKEY, Massachusetts, *Chairman*

MIKE DOYLE, Pennsylvania	FRED UPTON, Michigan, <i>Ranking Member</i>
JAY INSLEE, Washington	RALPH M. HALL, Texas
G.K. BUTTERFIELD, North Carolina	CLIFF STEARNS, Florida
<i>Vice Chairman</i>	ED WHITFIELD, Kentucky
CHARLIE MELANCON, Louisiana	JOHN SHIMKUS, Illinois
BARON P. HILL, Indiana	JOHN B. SHADEGG, Arizona
DORIS O. MATSUI, California	ROY BLUNT, Missouri
JERRY MCNERNEY, California	JOSEPH R. PITTS, Pennsylvania
PETER WELCH, Vermont	MARY BONO MACK, California
JOHN D. DINGELL, Michigan	JOHN SULLIVAN, Oklahoma
RICK BOUCHER, Virginia	MICHAEL C. BURGESS, Texas
FRANK PALLONE, JR., New Jersey	STEVE SCALISE, Louisiana
ELIOT L. ENGEL, New York	PARKER GRIFFITH, Alabama
GENE GREEN, Texas	JOE BARTON, Texas (<i>Ex Officio</i>)
LOIS CAPPS, California	
JANE HARMAN, California	
TAMMY BALDWIN, Wisconsin	
MIKE ROSS, Arkansas	
JIM MATHESON, Utah	
JOHN BARROW, Georgia	
HENRY A. WAXMAN, California	
(<i>Ex Officio</i>)	

Jurisdiction: National energy policy generally; fossil energy, renewable energy resources and synthetic fuels; energy conservation; energy information; energy regulation and utilization; utility issues and regulation of nuclear facilities; interstate energy compacts; nuclear energy and waste; Superfund, RCRA, and the Safe Drinking Water Act; The Clean Air Act; and, all laws, programs, and government activities affecting such matters.

SUBCOMMITTEE ON HEALTH

(Ratio 23–14)

FRANK PALLONE, JR., New Jersey, *Chairman*

JOHN D. DINGELL, Michigan	JOHN SHIMKUS, Illinois, <i>Ranking Member</i>
BART GORDON, Tennessee	RALPH M. HALL, Texas
ANNA G. ESHOO, California	ED WHITFIELD, Kentucky
ELIOT L. ENGEL, New York	JOHN B. SHADEGG, Arizona
GENE GREEN, Texas	ROY BLUNT, Missouri
DIANA DEGETTE, Colorado	STEVE BUYER, Indiana
LOIS CAPPS, California, <i>Vice Chairman</i>	JOSEPH R. PITTS, Pennsylvania
JAN SCHAKOWSKY, Illinois	MIKE ROGERS, Michigan
TAMMY BALDWIN, Wisconsin	SUE WILKINS MYRICK, North Carolina
MIKE ROSS, Arkansas	JOHN SULLIVAN, Oklahoma
ANTHONY D. WEINER, New York	TIM MURPHY, Pennsylvania
JIM MATHESON, Utah	MICHAEL C. BURGESS, Texas
JANE HARMAN, California	MARSHA BLACKBURN, Tennessee
CHARLES A. GONZALEZ, Texas	PHIL GINGREY, Georgia
JOHN BARROW, Georgia	JOE BARTON, Texas (<i>Ex Officio</i>)
DONNA M. CHRISTENSEN, Virgin Islands	
KATHY CASTOR, Florida	
JOHN P. SARBANES, Maryland	
CHRISTOPHER S. MURPHY, Connecticut	
ZACHARY T. SPACE, Ohio	
BETTY SUTTON, Ohio	
BRUCE L. BRALEY, Iowa	
HENRY A. WAXMAN, California	
(<i>Ex Officio</i>)	

Jurisdiction: Public health and quarantine; hospital construction; mental health and research; biomedical programs and health protection in general, including Medicaid and national health insurance; food and drugs; and drug abuse.

SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS

(Ratio 11-7)

BART STUPAK, Michigan, *Chairman*BRUCE L. BRALEY, Iowa,
Vice Chairman

EDWARD J. MARKEY, Massachusetts

DIANA DeGETTE, Colorado

MIKE DOYLE, Pennsylvania

JAN SCHAKOWSKY, Illinois

MIKE ROSS, Arkansas

DONNA M. CHRISTENSEN, Virgin Islands

PETER WELCH, Vermont

GENE GREEN, Texas

BETTY SUTTON, Ohio

JOHN D. DINGELL, Michigan

(Ex Officio—non-voting)

HENRY A. WAXMAN, California

(Ex Officio)

MICHAEL C. BURGESS, Texas

Ranking Member

GEORGE RADANOVICH, California

JOHN SULLIVAN, Oklahoma

MARSHA BLACKBURN, Tennessee

PHIL GINGREY, Georgia

PARKER GRIFFITH, Alabama

ROBERT E. LATTA, Ohio

JOE BARTON, Texas *(Ex Officio)*

Jurisdiction: Responsibility for oversight of agencies, departments, and programs within the jurisdiction of the full committee, and for conducting investigations within such jurisdiction.

COMMITTEE ORGANIZATION AND MEMBERSHIP CHANGES

The Committee on Energy and Commerce organized on January 14, 2009, the Honorable Henry A. Waxman (D-CA), presiding. The membership of the full Committee was increase by one additional member for the 111th Congress, bringing the total number of members on the Committee to 58 (36 Democrats and 22 Republicans). Ten were new to the Committee: Reps. Christensen of the Virgin Islands, Castor of Florida, Sutton of Ohio, Sarbanes of Maryland, Murphy of Connecticut, Space of Ohio, McNerney of California, Braley of Iowa, Welch of Vermont, and Gingrey of Georgia. On January 22, 2009, the House approved a resolution that provided an additional Republican member to the Committee; the additional seat was filled by Hon. Steve Scalise (R-LA). The final number of those serving on the Committee was 59 (36 Democrats and 23 Republicans).

Also during the January 14, 2009, organizational meeting, the Committee adopted the Rules of the Committee for the 111th Congress. The subcommittee jurisdictions, ratios, and memberships were also approved. Subcommittee changes in the 111th Congress included establishing five subcommittees rather than six subcommittees in the previous Congress. Two subcommittee names were changed and the Committee further approved realigning certain environmental and toxic substance jurisdictions between the Subcommittees on Energy and Environment and Commerce, Trade, and Consumer Protection.

Several changes in the membership of the Committee and its subcommittees occurred during the second session of the 111th Congress. Hon. Greg Walden (R-OR), who had served as ranking minority member of the Subcommittee on Oversight and Investigations in the 111th Congress, resigned from the Committee on Energy and Commerce on February 22, 2010, creating vacancies on several subcommittees and the position of ranking minority member of the Subcommittee on Oversight and Investigations. On February 23, 2010, the House approved H. Res. 1095, electing Hon. Parker Griffith (R-AL) to the Committee on Energy and Commerce, to rank after Mr. Scalise of Louisiana. At a business meeting of the Committee on February 23, 2010, a resolution was approved that made changes in the minority ranking members and subcommittee memberships: Hon. Michael C. Burgess (R-TX) was approved by the Committee to replace Mr. Walden as ranking minority member of the Subcommittee on Oversight and Investigations, and Hon. Ed Whitfield (R-KY) was approved to serve as ranking minority member of the Subcommittee on Commerce, Trade, and Consumer Protection in lieu of Mr. Radanovich, who until then had served in that position in the 111th Congress. Mr. Griffith was approved to serve on three subcommittees: Energy and Environment, Oversight and Investigations, and Communications, Technology, and the Internet.

On March 21, 2010, Hon. Nathan Deal (R-GA) resigned from the House of Representatives, creating a vacancy on the Committee on Energy and Commerce, including the ranking minority member position on the Subcommittee on Health. On March 25, 2010, pursuant to H. Res. 1223, Hon. Robert E. Latta (R-OH) was elected to

the Committee on Energy and Commerce, to rank after Mr. Griffith of Alabama, filling the vacancy created by Mr. Deal's resignation. At a business meeting held on April 15, 2010, a resolution offered by Mr. Barton was approved by the Committee that made further changes in the minority's ranking members and subcommittee membership: Hon. John Shimkus (R-IL) was approved to replace Mr. Deal as ranking member of the Subcommittee on Health; Hon. John Sullivan (R-OK) became a member of the Subcommittee on Health, to rank after Mrs. Myrick, which filled the vacancy created by Mr. Deal's resignation; Mr. Sullivan was removed from the Subcommittee on Commerce, Trade, and Consumer Protection membership, replaced by Mr. Latta, who would rank after Mr. Scalise of Louisiana. The resolution also filled two other vacancies created by the resignation of Mr. Deal by placing Mr. Latta on the Subcommittee on Oversight and Investigations and the Subcommittee on Communications, Technology, and the Internet, ranking on both subcommittees after Mr. Griffith of Alabama.

COMMITTEE STAFF—MAJORITY AND MINORITY

COMMITTEE MAJORITY

PHILIP S. BARNETT, *Staff Director*
 KAREN NELSON, *Deputy Committee Staff Director for Health*
 KRISTIN AMERLING, *Chief Counsel*
 KAREN LIGHTFOOT, *Communications Director*
 BRUCE WOLPE, *Senior Advisor*
 PAT DELGADO, *Policy Director, Communications, Technology, and the Internet*
 MICHELLE ASH, *Chief Counsel, Commerce, Trade, and Consumer Protection*
 GREG DOTSON, *Chief Counsel, Energy and Environment*
 MEREDITH FUCHS, *Chief Investigative Counsel*
 RUTH KATZ, *Chief Public Health Counsel*
 DAVID LEVISS, *Chief Oversight Counsel*
 ANDY SCHNEIDER, *Chief Health Counsel*
 ROGER SHERMAN, *Chief Counsel, Communications, Technology, and the Internet*
 EARLEY T. GREEN, *Chief Clerk*
 SHARON E. DAVIS, *Chief Legislative Clerk*
 SHEILA KLEIN, *Office Manager/Executive Assistant to the Staff Director*
 BRIAN COHEN, *Senior Investigator and Policy Advisor*
 TIM POWDERLY, *Senior Counsel, Communications, Technology and the Internet*
 LORIE SCHMIDT, *Senior Counsel, Energy and Environment*
 TRACY SHEPPARD, *Senior Environmental Counsel*
 ALEXANDRA TEITZ, *Senior Counsel, Energy and Environment*
 ROBIN APPLEBERRY, *Counsel*
 JEFF BARAN, *Counsel*
 JOEL BEAUVAIS, *Counsel*
 STACIA CARDILLE, *Counsel*
 ROBERT L. CLARK, *Counsel*
 SHAWN CHANG, *Counsel*
 SARAH DESPRES, *Counsel*
 JACK EBLER, *Counsel*
 MOLLY GASTON, *Counsel*
 ALTHEA GREGORY, *Counsel*
 PURVEE KEMPF, *Counsel*
 ANGELLE KWEMO, *Counsel*
 FELIPE MENDOZA, *Counsel*
 TIMOTHY ROBINSON, *Counsel*
 NAOMI SEILER, *Counsel*
 RACHEL SHER, *Counsel*
 ANNA TINDALL, *Counsel*
 TIMOTHY WESTMORELAND, *Counsel*
 TIFFANY BENJAMIN, *Investigative Counsel*
 AMY LEVINE, *Subcommittee Counsel, Communications, Technology, and the Internet*
 ALEX BARRON, *Professional Staff Member*
 KATIE CAMPBELL, *Professional Staff Member*
 ALISON CASSADY, *Professional Staff Member*
 STEPHEN CHA, *Professional Staff Member*
 MELISSA CHEATHAM, *Professional Staff Member*
 MICHAL FREEDHOFF, *Professional Staff Member*
 EMILY GIBBONS, *Professional Staff Member*
 TIM GRONNIGER, *Professional Staff Member*
 TIFFANY GUARASCIO, *Professional Staff Member*
 VIRGIL MILLER, *Professional Staff Member*
 LAURA VAUGHT, *Professional Staff Member*
 TIFFANY GUARASCIO, *Professional Staff Member*
 SCOTT SCHLOEGEL, *Investigator, Oversight and Investigations*
 ANDY BINDMAN, *Robert Wood Johnson Fellow*
 JENNIFER OWENS, *Investigator*
 PETER KETCHAM-COLWILL, *Policy Analyst*
 JENNIFER BERENHOLZ, *Deputy Clerk*
 ELIZABETH B. ERTTEL, *Financial Administrator*
 MARK NOBLE, *Director of New Media*
 LINDSAY VIDAL, *Deputy Press Secretary*
 JR DENG, *Chief Information Officer*
 JEFFREY WEASE, *Deputy Information Officer*

SEAN CORCORAN, *Assistant Clerk*
 ALVIN BANKS, *Special Assistant, Health*
 ALLISON CORR, *Special Assistant, Health*
 SARAH FISHER, *Special Assistant, Communications, Technology, and the Internet*
 CAITLIN HABERMAN, *Special Assistant, Energy and Environment*
 ELIZABETH LETTER, *Special Assistant, Press*
 BILLIE MCGRANE, *Special Assistant, Full Committee*
 ALISON NEUBAUER, *Special Assistant, Oversight and Investigations*
 MITCH SMILEY, *Special Assistant, Full Committee*
 WILL WALLACE, *Special Assistant, Commerce, Trade, and Consumer Protection*
 RONALD ALLEN, *Staff Assistant*
 BYRON GWINN, *Staff Assistant*
 GABE STUTMAN, *Staff Assistant*

DETAILEES FROM U.S. AGENCIES

CHRISTOPHER WELLS, *GPO*
 MICHAEL OSTHEIMER, *FTC*
 JEFFREY COHEN, *FCC*
 REBECCA BROWN, *EPA*
 ERIC FLAMM, *HHS/FDA*
 GREG GUICE, *FCC*
 ART HOROWITZ, *EPA*
 DERRICK FRANKLIN, *HHS*

MINORITY COMMITTEE STAFF

DAVID L. CAVICKE, *Chief of Staff*
 AMANDA MERTENS CAMPBELL, *General Counsel*
 HEATHER COURI, *Deputy Chief of Staff*
 LAWRENCE A. NEAL, *Deputy Chief of Staff for Communications*
 R. CLAYTON ALSPACH, *Counsel*
 JAMES "IKE" BRANNON, *Chief Economist*
 WILLIAM CARTY, *Professional Staff Member*
 KAREN E. CHRISTIAN, *Counsel*
 STACY CLINE, *Counsel*
 SAMUEL COSTELLO, *Legislative Analyst*
 GERALD COURI, *Sr. Professional Staff Member*
 R. NATHAN CROW, *Professional Staff Member*
 AARON CUTLER, *Counsel*
 NEIL R. FRIED, *Senior Counsel*
 GARRETT J. GOLDING, *Legislative Analyst*
 SEAN HAYES, *Counsel*
 JAMES HOPPER, *Staff Assistant*
 PETER E. KIELTY, *Legislative Analyst*
 RYAN LONG, *Chief Counsel*
 ELIZABETH LOWELL, *Research Analyst*
 BRIAN MCCULLOUGH, *Sr. Professional Staff Member*
 LISA MILLER, *Communications Director*
 MARY NEUMAYR, *Counsel*
 KRISTA ROSENTHALL, *Counsel*
 ALAN M. SLOBODIN, *Chief Counsel*
 SAMUEL SPECTOR, *Counsel*
 PETER SPENCER, *Professional Staff Member*
 ANDREA SPRING, *Professional Staff Member*
 LINDA WALKER, *Administrative & Human Resources Coordinator*
 SHANNON WEINBERG, *Counsel*
 KATHRYN WHEELBARGER, *Deputy Chief of Staff*
 JEAN WOODROW, *Director of Information Technology*

LEGISLATIVE AND OVERSIGHT ACTIVITY OF THE COMMITTEE ON ENERGY AND COMMERCE

SUMMARY

During the 111th Congress, the Committee on Energy and Commerce had an extraordinarily active legislative and oversight record. Of the 1,478 bills referred to the Committee, 32 measures became public law and 6 were pending action by the President when this report was filed. The full Committee and its subcommittees held a combined total of 169 days of hearings and 27 days of markups.

OVERVIEW OF COMMITTEE LEGISLATIVE ACTIVITIES

Major legislative accomplishments of the Committee included enactment of the following measures:

- The Patient Protection and Affordable Care Act, comprehensive health reform legislation that guarantees universal access to health insurance while curbing insurance company abuses, controlling costs, expanding the Medicare prescription drug benefit, and reducing the deficit;
- The Children's Health Insurance Program Reauthorization Act, which funds health coverage for millions of low-income children and their parents;
- The Family Smoking Prevention and Tobacco Control Act, which grants the Food and Drug Administration (FDA) authority to regulate the advertising, marketing, and manufacturing of tobacco products;
- The Consumer Assistance to Recycle and Save Act (known as the "Cash for Clunkers Act"), which offers consumers incentives to trade in old, gas-guzzling vehicles;
- Provisions in the American Recovery and Reinvestment Act that provide funds to develop renewable energy sources, increase funding for Medicaid to address the effects of the recession, improve healthcare technology, and expand broadband Internet access for businesses and households in underserved communities;
- The Ryan White HIV/AIDS Treatment Extension Act, which authorizes funding for medical and support services for people living with HIV/AIDS;
- The Medicare and Medicaid Extenders Act, which averts a 25% cut in physician fees in Medicare by maintaining current levels for all of 2011;
- The 21st Century Communications and Video Accessibility Act, which makes the Internet and smart phones more accessible to individuals with disabilities;
- The Formaldehyde Standards for Composite Wood Products Act, which establishes national standards to reduce formaldehyde emissions from trailers, furniture, and other wood products;

- The Commercial Advertisement Loudness Mitigation Act (known as the “CALM Act”), which addresses the increase in volume consumers experience when television programming goes to a commercial;
- The Truth in Fur Labeling Act, which eliminates consumer and retailer confusion about whether clothes they are purchasing contain fur by requiring labeling of all articles of apparel containing fur;
- The DTV Delay Act, which extended the deadlines related to the transition from analog to digital television broadcasting for approximately four months to avoid consumer disruption and confusion;
- The Satellite Television Extension and Localism Act of 2010, which reauthorizes and amends certain provisions of the Communications Act of 1934 that govern satellite retransmission of television broadcast signals and accounts for the completion of the digital television transition;
- Six public health-related measures, including new initiatives on the safe disposal of prescription drugs and Alzheimer’s disease, as well as reauthorizations of and improvements in programs on stem cell transplantation, gynecologic cancers, and early hearing detection for newborns;
- The FDA Food Safety and Modernization Act, which grants the FDA new authorities to protect the nation’s food supply;
- The Local Community Radio Act of 2010, which would expand the ability of the FCC to license low-power FM radio stations and enhance local programming;
- The James Zadroga 9/11 Health and Compensation Act, which would provide funding for health care for the responders to the 9/11 terrorist attacks.

The Committee also reported the American Clean Energy and Security (ACES) Act, comprehensive legislation to create clean energy jobs, reduce the nation’s dependence on foreign oil, and curb global warming. This bill was passed by the House and sent to the Senate. Other important Committee bills that the House approved and sent to the Senate included:

- The Home Star Energy Retrofit Act, which would encourage energy efficiency investments in homes across the country;
- The Grid Reliability and Infrastructure Defense Act, which would protect the electric grid against cyber threats;
- The Chemical and Water Security Act, which would strengthen security at chemical plants and drinking water facilities;
- The Data Accountability and Trust Act, which would enhance protections for consumers victimized by data breaches;
- The Radio Spectrum Inventory Act, which would require that the National Telecommunications and Information Administration (NTIA) and the Federal Communications Commission (FCC) develop jointly a publicly-accessible spectrum inventory;
- The Assistance, Quality, and Affordability Act (AQUA) of 2010, which would have reauthorized the Safe Drinking Water Act State Revolving Loan Fund; and
- More than two dozen public health-related bills, including new initiatives on children’s vision care, heart disease in women, diabetes, autism and concussion management for school-aged children,

as well as reauthorizations of and improvements in current programs on arthritis, emergency medical services for children, and National Institutes of Health (NIH) pediatric research.

Additional detail on 111th Congress legislative activity is provided in the description of Subcommittee activity that follows the list of hearings held by the full Committee.

OVERVIEW OF COMMITTEE OVERSIGHT ACTIVITIES

On February 10, 2009, the Committee adopted an Oversight Plan pursuant to clause 2(d) of rule X of the Rules of the House of Representatives (included in appendix I) identifying a range of programs and policies the Committee would review concerning energy, the environment, public health and health care, communications, and consumer protection and trade. Over the course of the 111th Congress, the Committee conducted oversight and investigations both on issues described in this plan and on matters beyond those contemplated at the time the plan was approved. These activities informed the development of a number of important bills, and helped reduce waste, fraud, abuse, and mismanagement in the public and private sector.

The Committee began the 111th Congress with a series of hearings in the full Committee and the Subcommittee on Energy and Environment regarding one of the important areas highlighted in the Oversight Plan: climate change and the nation's energy security. These hearings led to the development of clean energy, energy efficiency, and climate change provisions in the American Clean Energy and Security Act. This comprehensive energy security legislation was approved by both the Committee and the House of Representatives in 2009.

Another key area identified in the Oversight Plan was the need to review the poor performance of our health care system, including waste, fraud, and abuse in federal health programs, and practices of the health insurance industry. Hearings held by the Subcommittee on Health and Subcommittee on Oversight and Investigations led to development of numerous provisions in the Patient Protection and Affordable Care Act, comprehensive health care reform legislation signed into law this year, including curbs on wasteful spending in the Medicare and Medicaid programs, provisions to ensure affordability of health coverage, and prohibitions on insurance company discrimination based on pre-existing conditions, health status, and gender.

In the area of consumer protection, the Oversight Plan identified several issues, including the need to examine consumer credit matters and activities of the National Highway Traffic Safety Administration (NHTSA). Committee oversight activities in these areas in the 111th Congress informed the development of legislation to expedite rulemakings concerning consumer credit or debt and a bill to require motor vehicle safety standards relating to vehicle electronics and to provide additional tools to promote NHTSA vehicle safety activities.

The Committee also conducted oversight on a range of communications issues set forth in the Oversight Plan, including review of the management, operations, and activities of the Federal Communications Commission (FCC), National Telecommunications and

Information Administration public safety communications, and Universal Service Reform. This oversight informed the development of a number of bills, including legislation to allow the funding for the interoperable emergency communications grant program to remain available until expended through 2012 as well as legislative proposals to construct a nationwide interoperable broadband network for public safety and to reform the universal service program.

The oversight activities of the Committee in the 111th Congress complied with the provisions in clause 2 of House rule XI requiring at least one oversight hearing on federal programs or operations the Government Accountability Office (GAO) has identified as being at “high-risk” and at least one oversight hearing every 120 days on waste, fraud, abuse, or mismanagement in government programs the Committee authorizes.

Committee hearings on waste, fraud, abuse, or mismanagement in federal programs authorized by this Committee included:

- Subcommittee on Oversight and Investigations, *Hearing on the Salmonella Outbreak: The Continued Failure to Protect the Food Supply* (Feb. 11, 2009) (examining a deadly food safety outbreak at a peanut butter manufacturing plant and flaws GAO identified in its “high-risk” series regarding Food and Drug Administration management of oversight over the nation’s food supply);
- Subcommittee on Commerce, Trade, and Consumer Protection, *Hearing on Revisiting the Toxic Substances Control Act of 1976* (Feb. 26, 2009) (examining deficiencies in the Environmental Protection Agency’s (EPA) process for assessing and controlling toxic chemicals that GAO identified in its high-risk series);
- Subcommittee on Oversight and Investigations, *Hearing on Institutional Review Boards that Oversee Experimental Human Testing for Profit* (Mar. 26, 2009) (examining inadequacies in FDA’s management of the process for certifying institutional review boards and assessing the sufficiency of their oversight of human testing protocols);
- Subcommittee on Oversight and Investigations, *Hearing on Commercial Sales of Military Technologies* (June 4, 2009) (examining the government’s mismanagement of export controls on sensitive technology with military applications, including concerns GAO identified in its high-risk series regarding the failure of the Department of State and the Department of Commerce to coordinate export control activities over sensitive technology);
- Subcommittee on Health, *Hearing on Medical Devices: Are Current Regulations Doing Enough for Patients?* (June 18, 2009) (examining whether FDA has made sufficient efforts to bring medical devices under modern regulatory authorities, a core problem identified by GAO);
- Subcommittee on Oversight and Investigations, *Hearing on Federal Oversight of High Containment Bio-Laboratories* (Sept. 22, 2009) (examining the following concerns GAO identified regarding federal government mismanagement of high containment bio-laboratories: (1) allowing continuing expansion of these labs since 2001 without a clear, coordinated national strategy; (2) the absence of a legislative or executive mandate to a single federal agency to track the expansion of these labs; and (3) the failure of the federal government to develop more stringent safety and security protocols

to reduce accidents in these labs that result from human error and systems failure);

- Subcommittee on Commerce, Trade, and Consumer Protection, *Hearing on Public Sales of Hurricane Katrina/Rita FEMA Trailers: Are They Safe or Environmental Time Bombs?* (Apr. 28, 2010) (examining EPA's assessment of formaldehyde, which GAO has criticized for not having been completed);

- Subcommittee on Oversight and Investigations, *Hearing on The Role and Performance of FDA in Ensuring Food Safety* (May 6, 2010) (examining reports by GAO and the HHS Office of Inspector General concerning FDA's management of international food imports and inspections of domestic food facilities); and

- Subcommittee on Health, *Hearing on Cutting Waste, Fraud, and Abuse in Medicare and Medicaid* (Sept. 22, 2010) (examining Department of Health and Human Services efforts to reduce waste, fraud, and abuse in the Medicare and Medicaid programs identified in Office of Inspector General reports).

Additional detail on the Committee's 111th Congress oversight activity on items in the Oversight Plan and other issues is provided in the description of Subcommittee activity contained in this report.

HEARINGS HELD

The U.S. Climate Action Partnership.—Legislative hearing providing the perspective of U.S. Climate Action Partnership members, a coalition of businesses and nongovernmental organizations seeking legislation to address the climate change threat. Hearing held on January 15, 2009. PRINTED, Serial Number 111–1.

The American Clean Energy and Security Act of 2009, Days 1 and 2.—Legislative hearing on the discussion draft of the “American Clean Energy and Security Act of 2009”. This hearing examined the views of the Administration and a broad range of stakeholders on the discussion draft. Day 2 was held jointly with the Subcommittee on Energy and Environment. Hearing held on April 21 and 22, 2009. PRINTED, Serial Number 111–29.

Comprehensive Health Reform Discussion Draft, Day 2, Part 1.—Legislative hearing on the health care reform discussion draft. Testimony was heard from Secretary of Health and Human Services Kathleen Sebelius. Hearing held on June 24, 2009. PRINTED, Serial Number 111–54.

Preparing for the 2009 Pandemic Flu.—Oversight hearing on what was known about H1N1 influenza strain and what steps the government has taken and plans to take in response to the surge in cases. Hearing held on September 15, 2009. PRINTED, Serial Number 111–64.

A Review of the Department of Health and Human Services Fiscal Year 2011 Budget.—Oversight hearing on the U.S. Department of Health and Human Services budget proposal for fiscal year 2011. Testimony was heard from HHS Secretary Kathleen Sebelius. Hearing held on February 4, 2010. PRINTED, Serial Number 111–95.

Effects of Developments in Synthetic Genomics.—Oversight hearing examining recently reported advances in synthetic biology and their potential impact. Hearing held on May 27, 2010. PRINTED, Serial Number 111–127.

SUBCOMMITTEE ON COMMERCE, TRADE, AND CONSUMER PROTECTION

LEGISLATIVE ACTIVITIES

FORMALDEHYDE STANDARDS FOR COMPOSITE WOOD PRODUCTS ACT

Public Law 111–199 (H.R. 4805, S. 1660)

To amend the Toxic Substances Control Act to reduce the emissions of formaldehyde from composite wood products.

Summary

H.R. 4805 establishes national technology-based limits (i.e., limits based on the technological feasibility of the standards) on formaldehyde emissions from most composite wood products. It does so by requiring the Environmental Protection Agency (EPA) to issue regulations, not later than January 1, 2013, to apply formaldehyde emissions standards that are equivalent to the California standards for hardwood plywood, medium-density fiberboard, and particleboard that is sold, supplied, offered for sale, or manufactured anywhere in the United States. EPA's regulations must ensure compliance with the federal standard and must include provisions relating to labeling, chain of custody requirements, provisions for sale of products or finished goods that were manufactured before the compliance deadline but are allowed to continue to be sold within a specified time period after the deadline (or product "sell-through"), third-party testing and certification, and other matters of implementation.

H.R. 4805 also requires that the Department of Housing and Urban Development (HUD) update its regulations to reflect the standards established by EPA. Under the bill, the new limits will go into effect 180 days after EPA issues its regulations. Finally, EPA will be free to make further limitations at any time subsequent to the initial rulemaking.

Legislative History

On March 10, 2010, H.R. 4805 was introduced by Rep. Matsui of California. It was referred to the Committee on Energy and Commerce, and in addition to the Committee on Financial Services. On March 11, 2010, H.R. 4805 was referred to the Subcommittee on Commerce, Trade, and Consumer Protection. Similar legislation in the Senate was introduced by Sen. Klobuchar of Minnesota as S. 1660 on September 10, 2009.

On March 18, 2010, the Subcommittee on Commerce, Trade, and Consumer Protection held a legislative hearing on two bills, including H.R. 4805. Testimony was received from the EPA Office of Prevention, Pesticides, and Toxic Substances; the Composite Panel Association; the American Home Furnishings Alliance; the Sierra Club; and a health scientist specializing in chemical safety.

On April 28, 2010, the Subcommittee on Commerce, Trade, and Consumer Protection held a hearing titled “*Public Sales of Hurricane Katrina/Rita FEMA Trailers: Are they Safe or Environmental Time Bombs?*” The Subcommittee received testimony from the Federal Emergency Management Agency, EPA, General Services Administration, a producer of a documentary film on the subject, the chief medical officer of Louisiana’s Recovery School District, and the National Association of State Agencies for Surplus Property.

On May 26, 2010, the Subcommittee on Commerce, Trade, and Consumer Protection was discharged from further consideration of H.R. 4805, and the full Committee met in open markup session to consider the measure. H.R. 4805 was ordered favorably reported to the House, amended, by a voice vote.

The Senate companion bill, S. 1660, introduced by Sen. Klobuchar of Minnesota on August 10, 2009, was reported by the Senate Committee on Environment and Public Works on April 19, 2010, and passed the Senate with an amendment by unanimous consent on June 14, 2010.

On June 15, 2010, S. 1660 was received in the House and held at the desk.

On June 22, 2010, the Committee on Energy and Commerce filed the House report on H.R. 4805 (H. Rept. 111–509).

On June 22, 2010, the Committee on Financial Services was discharged from further consideration of H.R. 4805.

On June 23, 2010, the House took up S. 1660, the Senate companion bill to H.R. 4805, as amended, and passed the bill under suspension of the rules by a voice vote, clearing the measure for the White House.

On July 7, 2010, S. 1660 was signed into law by the President and became Public Law 111–199.

CONSUMER FINANCIAL PROTECTION AGENCY ACT OF 2009 DODD-FRANK RESTORING AMERICAN FINANCIAL STABILITY ACT OF 2010

Public Law 111–203 (H.R. 3126, H.R. 4173, S. 3217)

To establish the Consumer Financial Protection Agency. (H.R. 3126)

To promote the financial stability of the United States by improving accountability and transparency in the financial system, to end “too big to fail,” to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes. (H.R. 4173 as enacted)

Summary

H.R. 3126 improves consumer protection in the financial arena by creating one commission whose sole mission is consumer financial protection. H.R. 3126 pulls the consumer protection functions from each of the banking agencies, and some consumer financial protection functions from the Federal Trade Commission (FTC), and gives those functions to the new commission. The legislation calls for the Consumer Financial Protection Agency (CFPA) to ensure that: (1) consumers have, understand, and can use the information they need to make responsible decisions about consumer financial products or services; (2) consumers are protected from

abuse, unfairness, deception, and discrimination; (3) markets for consumer financial products or services operate fairly and efficiently with ample room for sustainable growth and innovation; and (4) traditionally underserved consumers and communities have access to financial services.

H.R. 3126 consolidates in this new commission all consumer protection functions related to financial products, including rulemaking, supervision and examination, and enforcement. CFPB would have its own authority to issue rules prohibiting unfair, deceptive, and abusive acts, and would become the sole rulemaking authority for consumer financial protection statutes, including the Truth in Lending Act, the Equal Credit Opportunity Act, and the Fair Debt Collection Practices Act. In addition, H.R. 3126 provides the FTC with additional authorities to conduct rulemaking and enforce against unfair or deceptive acts or practices.

Legislative History

On July 8, 2009, H.R. 3126 was introduced by Rep. Frank of Massachusetts, Chairman of the Committee on Financial Services. The bill was referred to the Committee on Financial Services, and in addition to the Committee on Energy and Commerce. That same day, H.R. 3126 was referred to the Subcommittee on Commerce, Trade, and Consumer Protection.

On July 8, 2009, the Subcommittee held a legislative hearing titled *“The Proposed Consumer Financial Protection Agency: Implications for Consumers and the FTC.”* This hearing examined the proposal by the Obama Administration for the creation of a new consumer protection agency, a proposal that had been introduced that day as H.R. 3126. Testimony was received from the Chairman of the FTC, the Department of the Treasury, Consumers Union, a former general counsel of the FTC, a former manager of a state consumer enforcement office, a professor of law, and the CEO of the American Financial Services Association.

On October 22, 2009, the Committee on Financial Services considered H.R. 3126 and subsequently ordered reported the bill, amended, by a rollcall vote of 39–29.

On October 29, 2009, the Subcommittee on Commerce, Trade, and Consumer Protection was discharged from further consideration of H.R. 3126, and the Committee on Energy and Commerce met in open markup session to consider the bill as ordered reported by the Committee on Financial Services. The Committee considered amendments to the bill and subsequently ordered H.R. 3126 favorably reported to the House, amended, by a rollcall vote of 33–19.

On December 2, 2009, Rep. Frank of Massachusetts introduced H.R. 4173, the “Wall Street Reform and Consumer Protection Act of 2009,” a broader bill that includes the provisions of H.R. 3126 within title IV of the legislation.

On December 9, 2009, the Committee on Energy and Commerce filed the House report on H.R. 3126 (H. Rept. 111–367, Part 1).

On December 11, 2009, the House considered H.R. 4173 and subsequently passed the bill, as amended, by a rollcall vote of 223–202.

On January 20, 2010, the Senate received H.R. 4173 with the House amendment and referred H.R. 4173 to the Senate Committee on Banking, Housing, and Urban Affairs.

On May 20, 2010, the Senate Committee on Banking, Housing, and Urban Affairs was discharged from further consideration of H.R. 4173, and the measure was laid before the Senate by unanimous consent. During consideration, the Senate struck all after the enacting clause and substituted the language of S. 3217, as amended. H.R. 4173 was then passed by the Senate, amended, by a rollcall vote of 59–39. The Senate then insisted upon the Senate amendments and requested a conference.

On May 25, 2010, the Senate appointed conferees: Senators Dodd, Johnson, Reed, Schumer, Shelby, Crapo, Corker, Gregg, Lincoln, Leahy, Harkin, and Chambliss.

On June 9, 2010, the House disagreed with the Senate amendment and agreed to a conference. Subsequently, a motion to instruct conferees failed by a rollcall vote of 198–217.

The Speaker appointed the following conferees from the House: Reps. Waxman, Rush, and Barton as conferees from the Committee on Energy and Commerce for consideration of sections 3009, 3102(a)(2), 4001, 4002, 4101–4114, 4201, 4202, 4204–4210, 4301–4311, 4314, 4401–4403, 4410, 4501–4509, 4601–4606, 4815, 4901, and that portion of section 8002(a)(3) which adds a new section 313(d) to title 31, United States Code, of the House bill, and that portion of section 502(a)(3) which adds a new section 313(d) to title 31, United States Code, sections 722(e), 1001, 1002, 1011–1018, 1021–1024, 1027–1029, 1031–1034, 1036, 1037, 1041, 1042, 1048, 1051–1058, 1061–1067, 1101, and 1105 of the Senate amendment, and modifications committed to conference.

Upon conclusion of the conference, a conference report on H.R. 4173 was filed in the House (H. Rept. 111–517) and on June 30, 2010, the House agreed to the conference report by a rollcall vote of 237–192.

On July 15, 2010, the Senate agreed to the conference report by a rollcall vote of 60–39, clearing the measure for the White House.

On July 21, 2010, H.R. 4173 was signed into law by the President and became Public Law 111–203.

TRUTH IN FUR LABELING ACT OF 2010

Public Law 111–313 (H.R. 2480, S. 1076)

To improve the accuracy of fur product labeling.

Summary

H.R. 2480 amends the Fur Products Labeling Act by removing the authority of the Federal Trade Commission to exempt apparel from labeling if it is valued under a certain amount. As a result, all articles of apparel containing fur will be required to be labeled. The legislation also instructs the FTC to review the Fur Products Name Guide.

Legislative History

On May 19, 2009, H.R. 2480 was introduced by Rep. Moran of Virginia and referred to the Committee on Energy and Commerce. Similar legislation had been introduced as H.R. 4904 in the 109th Congress, and as S. 3610 in the 110th Congress. S. 1076, the Senate companion bill in the 111th Congress, was introduced by Sen.

Menendez of New Jersey. On May 20, 2009, H.R. 2480 was referred to the Subcommittee on Commerce, Trade, and Consumer Protection.

On May 13, 2010, the Subcommittee on Commerce, Trade, and Consumer Protection held a legislative hearing on two bills, including H.R. 2480. Testimony was received from representatives of the Bureau of Consumer Protection of the Federal Trade Commission, the Humane manufacturers.

On June 30, 2010, the Subcommittee on Commerce, Trade, and Consumer Protection met in open markup session to consider H.R. 2480 and subsequently favorably forwarded H.R. 2480 to the full Committee, amended, by a voice vote.

On July 15, 2010, the Committee on Energy and Commerce met in open markup session to consider H.R. 2480, where it was ordered favorably reported to the House, amended, by a voice vote.

On July 27, 2010, the Committee on Energy and Commerce filed the House report on H.R. 2480 (H. Rept. 111–571).

On July 28, 2010, H.R. 2480 was considered in the House under suspension of the rules and passed, as amended, by a voice vote.

On July 29, 2010, the Senate received H.R. 2480. On August 5, 2010, H.R. 2480 was referred to the Senate Committee on Commerce, Science, and Transportation.

On December 7, 2010, the Senate Committee on Commerce, Science, and Transportation was discharged by unanimous consent, and the bill was passed by the Senate without amendment by unanimous consent, clearing the measure for the White House.

On December 18, 2010, H.R. 2480 was signed into law by the President and became Public Law 111–313.

PEDESTRIAN SAFETY ENHANCEMENT ACT OF 2010

Awaiting White House Action (S. 841, H.R. 734)

To direct the Secretary of Transportation to study and establish a motor vehicle safety standard that provides for a means of alerting blind and other pedestrians of motor vehicle operation.

Summary

The Pedestrian Safety Enhancement Act of 2010 directs the Secretary of Transportation to establish a motor vehicle safety standard that provides for a means of alerting blind and other pedestrians of motor vehicle operation by quiet cars.

Legislative History

On January 28, 2009, H.R. 734 was introduced by Rep. Towns of New York and Rep. Stearns of Florida. The bill was referred to the Committee on Energy and Commerce. On February 2, 2010, H.R. 734 was referred to the Subcommittee on Commerce, Trade, and Consumer Protection. Similar legislation in the Senate was introduced by Sen. Kerry of Massachusetts as S. 841 on April 21, 2009, and was referred to the Senate Committee on Commerce, Science, and Transportation.

The Senate Committee was discharged of S. 841 by unanimous consent on December 9, 2010, and that same day the Senate con-

sidered S. 841 and passed the bill with an amendment by unanimous consent.

On December 10, 2010, the House received S. 841 with an amendment.

On December 13, 2010, S. 841 was referred to the Committee on Energy and Commerce, and also to the Committee on Transportation and Infrastructure.

On December 15, 2010, the House considered a motion to pass S. 841, as amended by the Senate, under suspension of the rules. Following debate, the vote was postponed until December 16, 2010, when the House passed S. 841, as amended, by a rollcall vote of 379–30, clearing the measure for the White House.

On December 28, 2010, S. 841 was presented to the President.

S. 841, as approved by the House and the Senate, was awaiting action by the President when this report was filed.

RESTORE ONLINE SHOPPERS' CONFIDENCE ACT

Public Law 111–_____ (S. 3386, H.R. 5707)

To protect consumers from certain aggressive sales tactics on the Internet.

Summary

The “Restore Online Shoppers’ Confidence Act” addresses several tactics used in online commerce, including post-transaction marketing and “data pass.” Post-transaction marketing is when a consumer purchasing from a trusted vendor is presented an offer from an unrelated seller, and the third-party seller does not make clear it is a distinct entity and that agreeing to the offer constitutes a second transaction with different terms. The Act makes it unlawful for such post-transaction third party sellers to charge a consumer without disclosing the entity’s lack of affiliation with the initial seller, providing a description of goods or services being purchased, and receiving the consumer’s express informed consent.

Data pass is where the first seller shares a consumer’s credit card number with the third-party seller without the consumer’s knowledge or consent. The Act makes it unlawful for the initial seller to disclose the consumer’s billing information to the post-transaction third party seller.

Legislative History

On July 1, 2010, H.R. 5707 was introduced by Rep. Space of Ohio. The bill was referred to the Committee on Energy and Commerce. On July 13, 2010, H.R. 5707 was referred to the Subcommittee on Commerce, Trade, and Consumer Protection. Similar legislation in the Senate was introduced by Sen. Rockefeller of West Virginia as S. 3386 on May 19, 2010.

On June 9, 2010, S. 3386 was referred to the Senate Committee on Commerce, Science, and Transportation. The Committee considered S. 3386 on August 2, 2010, and ordered the bill reported with an amendment.

On November 30, 2010, the Senate took up S. 3386 as amended under unanimous consent and agreed to further amendments. On

that day, the Senate passed S. 3386 with an amendment by unanimous consent.

On December 1, 2010, the House received S. 3386, as amended, and referred the bill to the Committee on Energy and Commerce.

On December 15, 2010, the House considered a motion to pass S. 3386, as amended by the Senate, under suspension of the rules, and the House passed S. 3386, as amended, by a voice vote, clearing the measure for the White House.

On December 29, 2010, S. 3386 was signed into law by the President and became Public Law 111-_____.

(The Public Law number had not been assigned when this report was filed.)

COLLEGE FOOTBALL PLAYOFF ACT OF 2009

(H.R. 390)

To prohibit, as an unfair and deceptive act or practice, the promotion, marketing, and advertising of any post-season NCAA Division I football game as a national championship game unless such game is the culmination of a fair and equitable playoff system.

Summary

H.R. 390 makes it unlawful for any person to promote, market, or advertise a post-season National Collegiate Athletic Association (NCAA) Division I Football Bowl Subdivision (FBS) football game as a championship or national championship game, unless the game is the final game of a single elimination post-season playoff system for which all NCAA Division I FBS conferences and unaffiliated Division I FBS teams are eligible. A similar prohibition applies to all merchandise connected to such a national championship game. H.R. 390 deems such action an unfair or deceptive act or practice as prohibited under section 18 of the Federal Trade Commission Act. The FTC is also granted the authority to promulgate rules or guidelines to implement the requirements of H.R. 390. These requirements would take effect on January 31, 2011, effectively requiring that a new playoff system be in place to crown a champion for the 2011–2012 college football season.

Legislative History

On January 9, 2009, H.R. 390 was introduced by Rep. Barton of Texas and referred to the Committee on Energy and Commerce. The bill as introduced was substantially similar to a previous bill, H.R. 7330, which had been introduced by Mr. Barton in the 110th Congress. On January 15, 2009, H.R. 390 was referred to the Subcommittee on Commerce, Trade, and Consumer Protection.

On May 1, 2009, the Subcommittee on Commerce, Trade, and Consumer Protection held a hearing pertaining to H.R. 390 titled “The Bowl Championship Series: Money and Other Issues of Fairness for Publicly Financed Universities.” Testimony was received from the commissioner of a major college football conference (who at the time served as coordinator of the Bowl Championship Series); the commissioner of a major, but not BCS-affiliated conference; the President and CEO of a major bowl game; and the athletic director of Boise State University, which in recent years has

had a very successful football team but no access to the BCS or its championship game.

On December 9, 2009, the Subcommittee on Commerce, Trade, and Consumer Protection met in open markup session and forwarded H.R. 390, amended, to the full Committee, by a voice vote.

No further action was taken on H.R. 390 in the 111th Congress.

INFORMED P2P USER ACT

(H.R. 1319, S. 3027)

To prevent the inadvertent disclosure of information on a computer through certain “peer-to-peer” file sharing programs without first providing notice and obtaining consent from an owner or authorized user of the computer.

Summary

H.R. 1319 reduces inadvertent disclosures of sensitive information by making users of certain file-sharing programs more aware of how such programs work, how files are shared, and the potential risks involved with the use of such programs. The bill prohibits developers of covered file-sharing programs from installing, or making available for installation or downloading, a covered-file sharing program without first providing consumers with notice that the program allows files on the consumer’s computer to be searched and copied. The developer must then obtain the informed consent of the consumer.

Under H.R. 1319, any covered file-sharing program must provide notice and obtain consent twice: when the program is first installed or downloaded and again immediately before the file-sharing function is activated for the first time. The bill also makes it unlawful to prevent the reasonable efforts of a consumer to block the installation of a file-sharing program. Finally, the program must provide a reasonable means to disable or remove the program.

Legislative History

On March 5, 2009, H.R. 1319 was introduced by Rep. Bono Mack. Similar legislation, H.R. 7176, had been introduced by Rep. Bono Mack in the 110th Congress. On March 6, 2009, H.R. 1319 was referred to the Subcommittee on Commerce, Trade, and Consumer Protection. Similar legislation in the Senate was introduced by Sen. Klobuchar of Minnesota as S. 3027 on February 23, 2009.

On May 5, 2009, the Subcommittee held a legislative hearing on two bills, including H.R. 1319. Testimony was received from witnesses representing the Bureau of Consumer Protection of the FTC, three non-profit technology groups, three industry associations, and one company that provides peer-to-peer security services.

On September 30, 2009, the Subcommittee on Commerce, Trade, and Consumer Protection was discharged from further consideration of H.R. 1319, and the Committee on Energy and Commerce met in open markup session to consider the measure. H.R. 1319 was ordered favorably reported to the House, amended, by a voice vote.

On December 8, 2009, the Committee on Energy and Commerce filed the House report on H.R. 1319 (H. Rept. 111–361). That same

day, H.R. 1319 was considered in the House under suspension of the rules and passed, as amended, by a voice vote.

On December 9, 2009, the Senate received H.R. 1319, read the bill twice, and referred to the Senate Committee on Commerce, Science, and Transportation.

No further action was taken on H.R. 1319 in the 111th Congress.

PROTECTING CONSUMER ACCESS TO GENERIC DRUGS ACT OF 2009

(H.R. 1706, S. 369)

To prohibit brand name drug companies from compensating generic drug companies to delay the entry of a generic drug into the market.

Summary

H.R. 1706 makes unlawful certain drug patent legal agreements in which a generic drug company receives payment or value from a brand-name drug company in exchange for an agreement not to research, develop, manufacture, market, or sell the generic drug. Violations would be treated as unfair and deceptive acts or practices and as unfair methods of competition under Section 5 of the Federal Trade Commission Act. The bill would create exceptions allowing such agreements if the generic company receives only: (1) the right to market the generic drug before the expiration of the patent or other exclusivity period; (2) the waiver by the brand-name company of any statutory extensions of exclusivity; and (3) a covenant not to sue on the given generic product. H.R. 1706 also authorizes the FTC to exempt agreements otherwise prohibited if they further the interests of consumers and competition. Violations of the Act would be treated as cause for forfeiture of the 180-day exclusivity period the generic company is entitled to under the Federal Food, Drug, and Cosmetic Act.

Legislative History

On March 25, 2009, H.R. 1706 was introduced by Rep. Rush and referred to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned. As introduced, H.R. 1706 was substantially similar to H.R. 1902, a bill that Rep. Rush introduced in the 110th Congress. On March 26, 2009, H.R. 1706 was referred to the Subcommittee on Commerce, Trade, and Consumer Protection. Similar legislation in the Senate was introduced by Sen. Kohl of Wisconsin as S. 369 on February 3, 2009.

On March 31, 2009, the Subcommittee on Commerce, Trade, and Consumer Protection held a legislative hearing on H.R. 1706. Testimony was received from a commissioner of the FTC, a professor of law with expertise on the antitrust issues raised by “pay-for-delay” agreements, a representative of AARP, a representative of the major trade association for brand-name drug manufacturers, and two executives representing different generic-drug manufacturers.

On June 3, 2009, the Subcommittee on Commerce, Trade, and Consumer Protection met in open markup session and forwarded

H.R. 1706, amended, to the full Committee, by a rollcall vote of 16–14.

On July 31, 2009, the Committee on Energy and Commerce met in open markup session to consider H.R. 3200, America’s Affordable Health Choices Act of 2009. During consideration of H.R. 3200, Rep. Rush offered an amendment to the legislation with contents substantially similar to the provisions of H.R. 1706. The amendment was considered and adopted by a voice vote. The Committee subsequently ordered H.R. 3200 reported favorably to the House, amended, by a rollcall vote of 31–28.

On October 14, 2009, the Committee on Energy and Commerce filed the House report on H.R. 3200 to the House, amended (H. Rept. 111–299).

No further action was taken on H.R. 1706 or the relevant part of H.R. 3200 in the 111th Congress.

CARBON MONOXIDE POISONING PREVENTION ACT

(H.R. 1796, S. 1216)

To amend the Consumer Product Safety Act to require residential carbon monoxide detectors to meet the applicable American National Standards Institute/Underwriters Laboratory (ANSI/UL) standard by treating that standard as a consumer product safety rule and to encourage states to require the installation of such detectors in homes.

Summary

H.R. 1796 requires the Consumer Product Safety Commission (CPSC) to publish the existing voluntary industry standard for carbon monoxide alarms as a mandatory consumer product safety standard. The bill would make it unlawful for manufacturers or distributors to import or distribute any new residential carbon monoxide alarm that does not comply with the standard. The bill also requires the CPSC to adopt certain minimum requirements for the content of portable generator labels and instruction manuals to warn consumers about the carbon monoxide hazard posed by the incorrect use of such generators. In addition, the bill establishes a grant program to assist states in carrying out carbon monoxide poisoning prevention programs.

Legislative History

On March 30, 2009, H.R. 1796 was introduced by Rep. Matheson and referred to the Committee on Energy and Commerce. Similar legislation, S. 3660, had been introduced in the 110th Congress by Sen. Klobuchar of Minnesota, who also introduced this same legislation as S. 1216 in the 111th Congress. On March 31, 2009, H.R. 1796 was referred to the Subcommittee on Commerce, Trade, and Consumer Protection.

On March 18, 2010, the Subcommittee on Commerce, Trade, and Consumer Protection held a legislative hearing on two bills, including H.R. 1796. Testimony was received from the Office of Hazard Identification and Reduction at the CPSC, a physician specializing in poison control, and two manufacturers of in-home toxic alert devices.

On June 30, 2010, the Subcommittee on Commerce, Trade, and Consumer Protection met in open markup session and forwarded H.R. 1796, amended, to the full Committee, by a voice vote.

On July 15, 2010, the Committee on Energy and Commerce met in open markup session to consider H.R. 1796, which it subsequently ordered reported favorably to the House, amended, by a voice vote.

On July 27, 2010, the Committee on Energy and Commerce filed the House report on H.R. 1796 (H. Rept. 111–573).

On July 28, 2010, H.R. 1796 was considered in the House under suspension of the rules and passed, as amended, by a voice vote.

On July 29, 2010, H.R. 1796 was received in the Senate. On August 5, 2010 H.R. 1796 was read twice, and referred to the Committee on Commerce, Science, and Transportation.

No further action was taken on H.R. 1796 in the 111th Congress.

MERCURY POLLUTION REDUCTION ACT

(H.R. 2190, H.R. 2065, S. 1428)

To amend the Toxic Substances Control Act to phase out the use of mercury in the manufacture of chlorine and caustic soda.

Summary

H.R. 2190 is intended to eliminate a significant source of mercury pollution by prohibiting the use of mercury during the manufacture of chlorine or caustic soda in the United States. In addition, the bill prohibits the export of mercury and mercury compounds by chlor-alkali facilities, effective immediately upon enactment.

Legislative History

On April 30, 2009, H.R. 2190 was introduced by Rep. Schakowsky and referred to the Committee on Energy and Commerce. On May 4, 2009, H.R. 2190 was referred to the Subcommittee on Commerce, Trade, and Consumer Protection. Similar legislation in the Senate was introduced by Sen. Whitehouse of Rhode Island as S. 1428 on July 9, 2009.

On May 12, 2009, the Subcommittee on Commerce, Trade, and Consumer Protection held a legislative hearing on two bills, including H.R. 2190. Testimony was received from a professor of law representing the Center for Progressive Reform; a professor of public health and former Assistant Administrator for Prevention, Pesticides, and Toxic Substances at EPA; and an executive at a company in the chlor-alkali industry.

On June 3, 2009, the Subcommittee on Commerce, Trade, and Consumer Protection met in open markup session and forwarded H.R. 2190, amended, to the full Committee, by a rollcall vote of 16–10.

On October 21, 2009, the Committee on Energy and Commerce met in open markup session to consider H.R. 2190, which it subsequently ordered reported favorably to the House, amended, by a rollcall vote of 29–14.

On December 16, 2009, the Committee on Energy and Commerce filed the House report on H.R. 2190 (H. Rept. 111–381).

No further action was taken on H.R. 2190 in the 111th Congress.

DATA ACCOUNTABILITY AND TRUTH ACT

(H.R. 2221, S. 3742)

To protect consumers by requiring reasonable security policies and procedures to protect data containing personal information, and to provide for nationwide notice in the event of a security breach.

Summary

H.R. 2221 both reduces the number of data breaches and provides new rights to individuals whose personal information is compromised when a breach occurs. The bill has two major requirements: (1) an entity holding data containing personal information must adopt reasonable and appropriate security measures to protect such data; and (2) that same entity must notify affected consumers in the event of a breach unless the entity determines there is “no reasonable risk of identity theft, fraud, or other unlawful conduct.”

In addition, the bill requires information brokers to implement reasonable procedures that will ensure data accuracy and provide consumers with access to information and the ability to dispute inaccurate information in certain circumstances.

Legislative History

On April 30, 2009, H.R. 2221 was introduced in the House by Rep. Rush of Illinois and referred to the Committee on Energy and Commerce. Similar legislation, H.R. 958, had been introduced by Rep. Rush in the 110th Congress. On May 4, 2009, H.R. 2221 was referred to the Subcommittee on Commerce, Trade, and Consumer Protection. Similar legislation in the Senate, S. 3742, was introduced by Sen. Pryor of Arkansas on August 5, 2010.

On May 5, 2009, the Subcommittee on Commerce, Trade, and Consumer Protection held a hearing on two bills, including H.R. 2221. Testimony was received from witnesses representing the Bureau of Consumer Protection of the Federal Trade Commission, non-profit technology groups, and three industry associations.

On June 3, 2009, the Subcommittee on Commerce, Trade, and Consumer Protection met in open markup session and forwarded H.R. 2221, amended, to the full Committee, by a voice vote.

On September 30, 2009, the Committee on Energy and Commerce met in open markup session to consider H.R. 2221, which was subsequently ordered favorably reported to the House, amended, by a voice vote.

On December 8, 2009, the Committee on Energy and Commerce filed the House report on H.R. 2221 (H. Rept. 111–362). That same day, H.R. 2221 was considered in the House under suspension of the rules and passed, as amended, by a voice vote.

On December 9, 2009, the Senate received H.R. 2221 with the House amendment, read twice, and referred to the Senate Committee on Commerce, Science, and Transportation.

Further action was taken on S. 3742, a related measure. On August 5, 2010, S. 3742 was introduced by Sen. Pryor of Arkansas, referred to the Senate Committee on Commerce, Science and

Transportation, and subsequently referred to the Subcommittee on Consumer Protection, Product Safety, and Insurance.

On September 22, 2010, the Senate Committee on Commerce, Science, and Transportation Subcommittee on Consumer Protection, Product Safety, and Insurance held a legislative hearing on S. 3742.

No further action was taken on these bills in the 111th Congress.

CONSUMER CREDIT AND DEBT PROTECTION ACT

(H.R. 2309)

To provide authority to the FTC to expedite rulemakings concerning consumer credit or debt and to direct the Commission to examine and promulgate rules with regard to debt settlement and automobile sales.

Summary

H.R. 2309 provides the FTC with streamlined authority to issue rules regarding unfair or deceptive acts or practices with regard to consumer credit and debt. It gives the FTC the authority to seek civil penalties for such practices, and enables state attorneys general to enforce the FTC's rules in this area. In addition, the bill directs the FTC to issue rules regarding unfair or deceptive acts or practices in two specific areas: auto sales and debt settlement.

Legislative History

H.R. 2309 was developed after a series of hearings related to consumer credit and debt, as follows:

On March 5, 2009, the Subcommittee on Commerce, Trade, and Consumer Protection held a hearing titled "Consumer Protection in the Used and Subprime Car Market." Testimony was received from the acting directors of both the Bureau of Consumer Protection at the FTC and the Bureau of Justice Assistance at the Department of Justice, two representatives of consumer protection organizations, a representative of the independent automobile dealership industry, and the president of a company that maintains a large database of automobile histories.

On March 24, 2009, the Subcommittee on Commerce, Trade, and Consumer Protection held a hearing titled "Consumer Credit and Debt: The Role of the Federal Trade Commission in Protecting the Public." Testimony was received from the FTC Chairman; two professors of law with expertise on regulatory issues related to consumer credit; director of a consumer advocate organization; and the chief executive officer of an independent, local financing company that has worked extensively with the FTC.

On May 7, 2009, H.R. 2309 was introduced by Rep. Rush and referred to the Committee on Energy and Commerce. On May 11, 2009, H.R. 2309 was referred to the Subcommittee on Commerce, Trade, and Consumer Protection.

On May 12, 2009, the Subcommittee on Commerce, Trade, and Consumer Protection held a legislative hearing on two bills, including H.R. 2309. Testimony was received from the acting director of the Bureau of Consumer Protection at the FTC, a representative of

a consumer advocacy group, and a representative of the U.S. Chamber of Commerce.

On June 3, 2009, the Subcommittee on Commerce, Trade, and Consumer Protection met in open markup session and forwarded H.R. 2309, amended, to the full Committee, by a rollcall vote of 16–9.

No further action was taken on H.R. 2309 in the 111th Congress.

BEREAVED CONSUMER’S BILL OF RIGHTS ACT OF 2009

(H.R. 3655)

To direct the FTC to establish rules to prohibit unfair or deceptive acts or practices related to the provision of funeral services.

Summary

H.R. 3655 directs the FTC to prescribe rules prohibiting unfair or deceptive acts or practices in the provision of all funeral goods or services. Specifically, all providers of these goods and services are required to provide consumers with accurate, itemized price information for each specific funeral good or service offered for sale. The bill further prohibits providers from making misrepresentations about federal, state, and local requirements, and prohibits conditioning the provision of any one funeral good or service on the purchase of another funeral good and service.

The bill also requires that contracts for funeral goods or services be written clearly and include disclosures about any fees, penalties, or costs that may be incurred in the future. With specific regard to cemeteries, the bill requires that consumers be provided with written rules and regulations and an explanation of the burial right that has been purchased. Cemeteries further are required to keep clear records of all burials.

In addition, H.R. 3655 authorizes both the FTC and the states to enforce the Act’s requirements. Also, the bill makes clear that it is not Congress’s intent to preempt states’ laws providing protections to consumers of funeral services or funeral goods except where there are conflicts between the respective laws.

H.R. 3655 directs the FTC to issue the rules required under this Act within one year of enactment, in accordance with the Administrative Procedures Act. The bill also would ensure that the FTC’s rules apply to all providers of funeral goods or services, even those that are nonprofit.

Legislative History

H.R. 3655 was developed following news of a grave reselling scheme at Burr Oak Cemetery in Alsip, Illinois, as well as a hearing about consumer protections relating to funerals and cemeteries.

On July 27, 2009, the Subcommittee on Commerce, Trade, and Consumer Protection held a field hearing in Chicago, Illinois titled “Oversight of Cemeteries and Other Funeral Services: Who’s In Charge?” Testimony was received from relatives of those buried at Burr Oak Cemetery, a representative of the FTC’s Bureau of Consumer Protection, the Illinois State Comptroller, and representatives of a bereaved consumer’s advocacy group, a trade association

for funeral homes and cemetery operators, and a local Chicago-area funeral home.

On September 25, 2009, H.R. 3655 was introduced by Rep. Rush and referred to the Committee on Energy and Commerce. On September 29, 2009, H.R. 3655 was referred to the Subcommittee on Commerce, Trade, and Consumer Protection.

On January 27, 2010, the Subcommittee on Commerce, Trade, and Consumer Protection held a legislative hearing on H.R. 3655. Testimony was received from representatives of the FTC's Bureau of Consumer Protection, the Illinois Cemetery Oversight Task Force, a trade association for funeral homes, as well as the former director of another trade association for funeral homes and cemeteries.

On March 24, 2010, the Subcommittee on Commerce, Trade, and Consumer Protection met in open markup session and forwarded H.R. 3655, amended, to the full Committee, by a voice vote.

On July 21, 2010, the Committee on Energy and Commerce met in open markup session to consider H.R. 3655, which it subsequently ordered favorably reported to the House, amended, by a voice vote.

On December 7, 2010, the Committee on Energy and Commerce filed the House report on H.R. 3655 (H. Rept. 111-672).

No further action was taken on H.R. 3655 in the 111th Congress.

CALLING CARD CONSUMER PROTECTION ACT

(H.R. 3993, S. 562)

To require accurate and reasonable disclosure of the terms and conditions of prepaid telephone calling cards and services.

Summary

H.R. 3993 requires calling card providers and distributors to clearly and conspicuously disclose all relevant and applicable information to consumers. These disclosures must include contact information for the provider, the number of minutes available or the dollar value of the card. Entities also are required to disclose any applicable fees, additional charges, limitations, changes in value, or expiration dates associated with the use of the card. In some cases, these disclosures also are required to appear on calling card advertisements and voice prompts. The bill provides the FTC with the authority to enforce these requirements and to promulgate regulations to carry out the Act. States also are authorized to enforce the Act.

Legislative History

On November 3, 2009, H.R. 3993 was introduced by Rep. Engel and referred to the Committee on Energy and Commerce. Similar legislation had been introduced in the 110th Congress, as H.R. 3402 by Rep. Engel and as S. 2998 by Sen. Nelson of Florida. Sen. Nelson also introduced this bill, as S. 562, in the 111th Congress. On November 4, 2009, H.R. 3993 was referred to the Subcommittee on Commerce, Trade, and Consumer Protection.

On December 3, 2009, the Subcommittee on Commerce, Trade, and Consumer Protection held a legislative hearing on H.R. 3993.

Testimony was received from the director of the FTC's Division of Marketing Practices, the executive director of National Consumers League, a state utility commissioner, a community organizer for African immigrants, and the president of the industry association for wholesale marketers.

On March 24, 2010, the Subcommittee on Commerce, Trade, and Consumer Protection met in open markup session and forwarded H.R. 3993 to the full Committee, by a voice vote.

On May 5, 2010, the Committee on Energy and Commerce met in open markup session to consider H.R. 3993, which it subsequently ordered favorably reported to the House, amended, by a voice vote.

On June 15, 2010, the Committee on Energy and Commerce filed the House report on H.R. 3993 (H. Rept. 111-507).

On June 23, 2010, H.R. 3993 was considered by the House under suspension of the rules and passed, as amended, by a rollcall vote of 381-41.

On June 24, 2010, the Senate received H.R. 3993, read twice, and referred to the Committee on Commerce, Science, and Transportation.

No further action was taken on H.R. 3993 in the 111th Congress.

GUARANTEE OF A LEGITIMATE DEAL ACT OF 2010

(H.R. 4501)

To require certain return policies from businesses that purchase precious metals from consumers and solicit such transactions through an Internet website.

Summary

H.R. 4501 requires online purchasers of precious metals to wait until receiving an affirmative acceptance of the amount offered before melting down a consumer's jewelry. Online purchasers of precious metals are required to promptly return jewelry to a consumer if the consumer declines the amount offered. In addition, the bill sets a standard for the amount of insurance provided by online purchasers of precious metals on shipments of jewelry or precious metals.

Legislative History

On January 21, 2010, H.R. 4501 was introduced by Rep. Weiner and referred to the Committee on Energy and Commerce. On January 22, 2010, H.R. 4501 was referred to the Subcommittee on Commerce, Trade, and Consumer Protection.

On May 13, 2010, the Subcommittee on Commerce, Trade, and Consumer Protection held a legislative hearing on two bills, including H.R. 4501. Testimony was received from representatives of the FTC's Bureau of Consumer Protection Enforcement Division, Consumers Union, and a trade association for the jewelry industry.

On June 30, 2010, the Subcommittee on Commerce, Trade, and Consumer Protection met in open markup session and forwarded H.R. 4501, amended, to the full Committee, by a voice vote.

On July 15, 2010, the Committee on Energy and Commerce met in open markup to consider H.R. 4501, which it subsequently ordered reported favorably to the House, amended, by a voice vote.

On December 7, 2010, the Committee on Energy and Commerce filed the House report on H.R. 4501 (H. Rept. 111-673).

On December 8, 2010, the House passed H.R. 4501, as amended, by a rollcall vote of 324-81.

On December 9, 2010, the Senate received H.R. 4501, read twice, and referred to the Senate Committee on Commerce, Science, and Transportation.

No further action was taken on H.R. 4501 in the 111th Congress.

FOREIGN MANUFACTURERS LEGAL ACCOUNTABILITY ACT OF 2010

(H.R. 4678, S. 1606)

To require foreign manufacturers of products imported into the United States to establish registered agents in the United States who are authorized to accept service of process against such manufacturers.

Summary

H.R. 4678 requires foreign manufacturers and producers that import products into the United States to designate a registered agent who is authorized to accept service of process here in the United States. The agent would have to be registered in a state with a substantial connection to the importation, distribution, or sale of products of the foreign manufacturer or producer. The CPSC, the Food and Drug Administration, and the EPA would each be required to determine, based on the value or quantity of goods manufactured or produced, which foreign manufacturers and producers under their respective authority would be required to designate a registered agent. Registering an agent consistent with the Act constitutes acceptance by the manufacturer of personal jurisdiction of the state and federal courts of the state in which the agent is located. Finally, the Act prohibits the importation into the United States of products from foreign manufacturers that fail to designate a registered agent.

Legislative History

On February 24, 2010, H.R. 4678 was introduced by Rep. Sutton and referred to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned. On February 25, 2010, H.R. 4678 was referred to the Subcommittee on Commerce, Trade, and Consumer Protection. Similar legislation in the Senate was introduced as S. 1606 by Sen. Whitehouse of Rhode Island on August 6, 2009.

On June 16, 2010, the Subcommittee on Commerce, Trade, and Consumer Protection held a legislative hearing on two bills, including H.R. 4678. Testimony was received from representatives of the CPSC, Consumers Union, and the American Association of Exporters and Importers, as well as from a professor of law, and a former

police officer whose family members suffered health problems from toxic Chinese drywall in their home.

On June 30, 2010, the Subcommittee on Commerce, Trade, and Consumer Protection met in open markup session and forwarded H.R. 4678, amended, to the full Committee, by a voice vote.

On July 21, 2010, the Committee on Energy and Commerce met in open markup session to consider H.R. 4678, which it subsequently ordered reported favorably to the House, amended, by a rollcall vote of 31–22.

On December 16, 2010, the Committee on Energy and Commerce filed the House report on H.R. 4678 (H. Rept. 111–683, Part 1).

No further action was taken on H.R. 4678 in the 111th Congress.

NATIONAL MANUFACTURING STRATEGY ACT OF 2010

(H.R. 4692, S. 3662)

To require the President to prepare a quadrennial National Manufacturing Strategy.

Summary

H.R. 4692 directs the President, every four years, to submit to Congress, and publish on a public website, a National Manufacturing Strategy, with the first edition due one year after enactment.

To facilitate this task, the bill directs the President to establish “the President’s Manufacturing Strategy Board” within the Department of Commerce, with members drawn from both the public and private sector, to: (1) advise the President and Congress on issues affecting the nation’s manufacturing sector; (2) conduct a comprehensive analysis of such sector; (3) develop a Strategy; and (4) report annually to the President and Congress on the current state of U.S. manufacturing. Through the development of each Strategy, the President must enter into an agreement with the National Academy of Sciences (NAS) to conduct a study concerning U.S. manufacturing and related assessments and reviews, with results to be reported to both the President and Congress.

The President is also required to evaluate each annual budget and include information regarding that budget’s consistency with the goals and recommendations included in the latest Strategy. Lastly, the Comptroller General must submit to Congress an assessment and analysis of the Strategy in the years 2013, 2017, and 2021.

Legislative History

On February 25, 2010, H.R. 4692 was introduced by Rep. Lipinski and referred to the Committee on Energy and Commerce, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned. On February 26, 2010, H.R. 4692 was referred to the Subcommittee on Commerce, Trade, and Consumer Protection. Similar legislation in the Senate was introduced as S. 3662 by Sen. Stabenow of Michigan on July 28, 2010.

On July 14, 2010, the Subcommittee on Commerce, Trade, and Consumer Protection held a legislative hearing on H.R. 4692. Testimony was received from the federal Chief Technology Officer, the CEO of an Illinois steel company, an economic policy scholar, a researcher of defense research programs, and representatives from a non-profit advocate for domestic manufacturing and an association of machinists and aerospace workers.

On July 21, 2010, the Subcommittee on Commerce, Trade, and Consumer Protection was discharged from further consideration of H.R. 4692, and the full Committee met in open markup session to consider the measure. H.R. 4692 was ordered favorably reported to the House, amended, by a voice vote.

On July 28, 2010, the Committee on Energy and Commerce filed the House report on H.R. 4692 (H. Rept. 111-574).

On July 28, 2010, the Committee on the Budget was discharged from further consideration of H.R. 4692.

On July 28, 2010, H.R. 4692 was considered in the House under suspension of the rules and passed, as amended, by a rollcall vote of 379-38.

On July 29, 2010, H.R. 4692 was received in the Senate. On August 5, 2010, H.R. 4692 was read twice and referred to the Committee on Commerce, Science, and Transportation.

No further action was taken on H.R. 4692 in the 111th Congress.

CLEAN ENERGY TECHNOLOGY MANUFACTURING AND EXPORT
ASSISTANCE ACT OF 2010

(H.R. 5156)

To provide for the establishment of a Clean Energy Technology Manufacturing and Export Assistance Fund to assist United States businesses with exporting clean energy technology products and services.

Summary

H.R. 5156 establishes a fund administered by the International Trade Administration (ITA) to assist United States businesses with manufacturing and exporting clean energy technology products and services. The purpose of the bill is to ensure that clean energy technology firms, including parts suppliers and engineering and design firms, have the information and assistance they need to compete domestically and globally and to create jobs in the United States. The fund would be used to promote policies that reduce production costs and encourage innovation, investment, and productivity, as well as to implement a national clean energy technology export strategy.

Under H.R. 5156, United States businesses are given information, tools, and other assistance to promote clean energy technology manufacturing in the United States, and facilitate the export of clean energy technology products and services. The Secretary of Commerce must report to Congress within the first six months regarding use of funds, and after five years to assess the program's effectiveness and whether it should be continued.

Legislative History

H.R. 5156 was developed after a series of meetings among staff, scholars, and stakeholders, as well as a hearing on relevant issues.

On October 7, 2009, the Subcommittee on Commerce, Trade, and Consumer Protection held a hearing titled “Growing U.S. Trade in Green Technology.” Testimony was received from the Deputy Assistant Secretary for Manufacturing and Services at the Department of Commerce, the president of a business coalition for sustainable energy, a representative of the General Electric Company, and two scholars—one a professor and one a public policy fellow—with expertise in international economics.

On April 27, 2010, H.R. 5156 was introduced by Rep. Matsui and referred to the Committee on Foreign Affairs, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned. On April 28, 2010, H.R. 5156 was referred to the Subcommittee on Commerce, Trade, and Consumer Protection. The Subcommittee held a hearing on H.R. 5156 on June 16, 2010.

On June 30, 2010, the Subcommittee on Commerce, Trade, and Consumer Protection met in open markup session and forwarded H.R. 5156, amended, to the full Committee by a voice vote.

On July 21, 2010, the Committee on Energy and Commerce met in open markup session to consider H.R. 5156, which it subsequently ordered reported favorably to the House, amended, by a voice vote.

On July 27, 2010, the Committee on Energy and Commerce reported H.R. 5156 to the House, amended (H. Rept. 111–572, Part I).

On July 27, 2010, the Committee on Foreign Affairs was discharged from further consideration of H.R. 5156.

On July 28, 2010, H.R. 5156 was considered in the House under suspension of the rules and passed, as amended, by a voice vote.

On July 29, 2010, H.R. 5156 was received in the Senate. On August 5, 2010, H.R. 4692 was read twice and referred to the Committee on Commerce, Science, and Transportation.

No further action was taken on H.R. 4692 in the 111th Congress.

MOTOR VEHICLE SAFETY ACT OF 2010

(H.R. 5381, S. 3302)

To require motor vehicle safety standards relating to vehicle electronics and to reauthorize and provide greater transparency, accountability, and safety authority to the National Highway Traffic Safety Administration.

Summary

H.R. 5381 improves auto safety and strengthens the vehicle safety programs at the National Highway Traffic Safety Administration (NHTSA). The bill has four key objectives: (1) improve electronics expertise at NHTSA and develop new vehicle safety standards; (2) increase transparency and accountability in auto safety; (3) provide additional resources to NHTSA; and (4) improve the enforcement authorities of NHTSA.

Legislative History

H.R. 5381 was developed after a series of hearings related to motor vehicle safety. Similar legislation was introduced in the Senate as S. 3302 by Sen. Rockefeller of West Virginia on May 4, 2010.

On May 18, 2009, the Subcommittee on Commerce, Trade, and Consumer Protection held a hearing titled “Auto Safety: Current Mandates and Emerging Issues.” Testimony was received from the former administrator of the National Highway Traffic Safety Administration (NHTSA), as well as current representatives of NHTSA, the National Transportation Safety Board, an automobile manufacturers’ industry group, an auto insurance industry group, and two auto safety advocacy groups.

On March 11, 2010, the Subcommittee on Commerce, Trade, and Consumer Protection held a hearing titled “NHTSA Oversight: The Road Ahead.” Testimony was received from the Administrator of NHTSA, the former Administrator of NHTSA, and representatives of a consumer advocacy group and an automobile manufacturers’ industry association.

On May 6, 2010, the Subcommittee on Commerce, Trade, and Consumer Protection held a legislative hearing on draft language of the Motor Vehicle Safety Act of 2010. Testimony was received from the Administrator of NHTSA, the former Administrator of NHTSA, representatives of two associations for automobile manufacturers, the executive director of an auto safety consumer advocacy group, and an information policy scholar.

On May 20, 2010, the Subcommittee on Commerce, Trade, and Consumer Protection met in open markup session to consider draft language of the Motor Vehicle Safety Act of 2010.

On May 25, 2010, H.R. 5381 was introduced by Rep. Waxman and referred to the Committee on Energy and Commerce.

On May 26, 2010, the Committee on Energy and Commerce met in open markup to consider H.R. 5381, which it subsequently ordered reported favorably to the House, amended, by a rollcall vote of 31–21.

On July 14, 2010, the Committee on Energy and Commerce reported H.R. 5381 to the House, amended (H. Rept. 111–536).

No further action was taken on H.R. 5381 in the 111th Congress.

BEST PRACTICES ACT

(H.R. 5777)

To foster transparency about the commercial use of personal information and provide consumers with meaningful choice about the collection, use, and disclosure of such information.

Summary

H.R. 5777 requires a covered entity to make available to individuals information about the covered entity’s privacy practices, including a description of the information collected and the specific purposes for such collection. The FTC is directed to determine the means and timing of notices, may allow for or require shorter notices, and may issue model notices. A covered entity must provide an individual with the ability to opt out of the collection and use of covered information and must obtain express affirmative consent

before collecting, using, or disclosing sensitive information. A covered entity that participates in a Safe Harbor Self-Regulatory Choice Program approved by FTC is not subject to certain requirements.

H.R. 5777 also includes data security, access, data minimization, accountability, and accuracy requirements. The bill grants enforcement authority to FTC and the states, including civil penalty authority, and grants FTC streamlined rulemaking authority to implement the bill. Finally, the bill authorizes a limited private right of action and contains a preemption provision of certain state laws that expressly require covered entities to implement requirements with respect to the collection, use, or disclosure of covered information. The preemption provision does not apply to state laws that address health information or financial information, data breach laws, trespass, contract, or tort laws, and other laws that relate to acts of fraud.

Legislative History

H.R. 5777 was developed after a series of hearings related to data privacy.

On June 18, 2009, the Subcommittee on Commerce, Trade, and Consumer Protection held a joint hearing with the Subcommittee on Communications, Technology and the Internet titled “Behavioral Advertising: Industry Practices and Consumers’ Expectations.” Testimony was received from a consumer privacy advocate; the president of an industry research firm; the executive director of an industry coalition devoted to self-regulation of privacy practices; a professor of computer science and public affairs; and privacy officers from three large internet corporations, including Yahoo!, Facebook, and Google.

On November 19, 2009, the Subcommittee on Commerce, Trade, and Consumer Protection held a joint hearing with the Subcommittee on Communications, Technology and the Internet titled “Exploring the Offline and Online Collection and Use of Consumer Information.” Testimony was received from a leading privacy advocate, a professor with expertise on information privacy, an internet marketing executive for a small educational retailer, and privacy officers for a marketing firm, a market research firm, and Wal-Mart Stores, Inc.

On February 24, 2010, the Subcommittee on Commerce, Trade, and Consumer Protection held a joint hearing with the Subcommittee on Communications, Technology and the Internet titled “The Collection and Use of Location Information for Commercial Purposes.” Testimony was received from a professor with expertise on computer science, engineering, and public policy; the director of an internet safety advocacy group; the general counsel of a wireless communications industry association; and representatives of three firms with business based on location-data technology.

On July 19, 2010, H.R. 5777 was introduced by Rep. Rush and referred to the Committee on Energy and Commerce.

On July 22, 2010, the Subcommittee on Commerce, Trade, and Consumer Protection held a legislative hearing on H.R. 5777, as well as on a different discussion draft related to privacy.

No further action was taken on H.R. 5777 in the 111th Congress.

TOXIC CHEMICALS SAFETY ACT OF 2010

(H.R. 5820, S. 3209)

To amend the Toxic Substances Control Act to ensure that the public and the environment are protected from risks of chemical exposure.

Summary

H.R. 5820 would establish a risk-based framework to ensure that all chemical substances to which the American people are exposed will be reviewed for safety and restricted where necessary to protect public health and the environment. The chemical industry would be required to develop and provide to the EPA essential data to inform this review. H.R. 5820 would authorize EPA to exempt chemicals already known to be safe from certain requirements of the act, and would direct EPA to prioritize chemicals for review based on existing evidence of risk. The bill also would improve EPA's authority to compel testing where necessary. Non-confidential information submitted to EPA would be shared with the public, and critical confidential information would be shared among regulators, with states, and with workers in the chemical industry.

H.R. 5820 would create incentives, as well as a review process, for safer alternatives to existing chemicals, promoting innovation and investment in green chemistry. Chemical manufacturers and processors would be required to provide basic information on chemical safety to their commercial purchasers (with protections for confidential information), allowing downstream users to identify and select safer materials. A workforce education and training program in green chemistry would be created, promoting and ensuring the long-term viability of American jobs.

Other provisions of H.R. 5820 would establish an expedited process for EPA to reduce exposure to chemical substances that are known to be persistent, bioaccumulative, and toxic (PBT); promote research to advance understanding of children's vulnerability to the harms of chemicals; direct EPA to address community exposures to toxic chemicals in certain "hot spot" locations; encourage the reduction of the use of animals in chemical testing; and require EPA to engage in international efforts to control dangerous chemicals.

Legislative History

H.R. 5820 was developed after a series of hearings related to regulation of toxic substances. Similar legislation was introduced in the Senate as S. 3209 by Sen. Lautenberg of New Jersey on April 15, 2010.

On November 17, 2009, the Subcommittee on Commerce, Trade, and Consumer Protection held a hearing titled "Prioritizing Chemicals for Safety Determination." Testimony was received from representatives of EPA, the Centers for Disease Control and Prevention, a policy organization for international environmental law, an industry association for manufacturers of grocery products, and a chemical manufacturers' association.

On March 4, 2010, the Subcommittee on Commerce, Trade, and Consumer Protection held a hearing titled "TSCA and Persistent, Bioaccumulative, and Toxic Chemicals: Examining Domestic and

International Actions.” Testimony was received from representatives of EPA, the Bureau of Oceans at the Department of State, the Washington state Department of Ecology, the Natural Resources Defense Council, and an industry association for producers of metals, as well as a former principal environmental scientist for the Procter and Gamble Company.

On July 22, 2010, H.R. 5820 was introduced by Rep. Rush and referred to the Committee on Energy and Commerce. On July 26, 2010, H.R. 5820 was referred to the Subcommittee on Commerce, Trade, and Consumer Protection.

On July 29, 2010, the Subcommittee on Commerce, Trade, and Consumer Protection held a legislative hearing on H.R. 5820. Testimony was received from representatives of EPA, two chemicals industry associations, and three environmental protection advocacy groups, as well as from the vice president of a small construction company.

No further action was taken on H.R. 5820 in the 111th Congress.

COIN AND PRECIOUS METAL DISCLOSURE ACT

(H.R. 6149)

To require disclosures to consumers by coin and precious metal bullion dealers.

Summary

H.R. 6149 requires those who sell bullion or certain coins as investments to disclose prior to sale all fees associated with purchasing the items, the items’ purchase price, the value of the metal in them, and the value for which they could be sold to other dealers. The bill does not apply to rare and collectible coins whose value is not significantly attributable to their metal content and is not affected by the price of precious metals. In addition, the bill allows the FTC to require additional disclosures through rulemaking.

Legislative History

On September 16, 2010, H.R. 6149 was introduced by Rep. Weiner of New York and referred to the Committee on Energy and Commerce.

On September 23, 2010, the Subcommittee on Commerce, Trade, and Consumer Protection held a hearing on H.R. 6149. Testimony was received from a private citizen who had been a customer of a gold firm, a professor of business, and representatives of FTC, Consumers Union, and a company that sells gold as an investment.

No further action was taken on H.R. 6149 in the 111th Congress.

REQUESTING THAT THE PRESIDENT TRANSMIT TO THE HOUSE OF REPRESENTATIVES ALL INFORMATION IN HIS POSSESSION RELATING TO SPECIFIC COMMUNICATIONS WITH CHRYSLER LLC (“CHRYSLER”)

(H. Res. 462)

Summary

H. Res. 462 requests the President, not later than 14 days after adoption of the resolution, to provide the House information relating to communications with Chrysler LLC. Specifically, the resolu-

tion seeks documents in the President's possession referring or relating to scheduled Chrysler plant closings: (1) that were discussed as part of the required February 17, 2009, Chrysler viability determination filing; (2) that were identified in the March 30, 2009, announcement by the Administration; (3) that were prepared for the 11:30 a.m. conference call on April 30, 2009, between members of the President's Auto Task Force (hereafter in this resolution referred to as the "Task Force") and Members of Congress, including transcripts; (4) revealing the President's knowledge regarding such plant closings prior to March 30, 2009; (5) included in Chrysler's April 30, 2009, bankruptcy filing in New York; (6) that identifies who was aware of such plant closings that would be announced prior to April 30, 2009, among the Administration, Chrysler, the Task Force, and the International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (also referred to as the "UAW"); and (7) the interaction and procedures for identifying the 789 Chrysler dealerships in the United States scheduled for closure, as announced on May 14, 2009.

Legislative History

On May 20, 2009, H. Res. 462 was introduced by Rep. LaTourette of Ohio and referred to the Committee on Energy and Commerce.

The Committee met in open session on June 10, 2009, and considered H. Res. 462. Subsequently, the Committee ordered H. Res. 462 reported to the House without amendment and without recommendation by a voice vote.

On June 12, 2009, the Committee on Energy and Commerce filed the House report on H. Res. 462 without recommendation (H. Rept. 111-147).

There was no further action on H. Res. 462 in the 111th Congress.

OVERSIGHT ACTIVITIES

IMPLEMENTATION OF THE CONSUMER PRODUCT SAFETY IMPROVEMENT ACT OF 2008

On January 16, 2009, Chairmen Waxman and Rush, together with Sens. Rockefeller and Pryor, sent a letter to the CPSC expressing concerns over the Commission's implementation of the Consumer Product Safety Improvement Act of 2008 (P.L. 110-314). This letter, which urged Acting Chair Nancy Nord and Commissioner Thomas Moore to take swift corrective action, highlighted four issues of particular concern: (1) Applicability of testing and certification requirements to certain children's books and certain children's apparel; (2) Guidance to resellers of children's products such as thrift and consignment stores; (3) Component part testing; and (4) Guidance to small business generally.

On February 5, 2009, Chairmen Waxman and Rush, together with Sens. Rockefeller and Pryor, sent a letter to the CPSC to urge that Acting Chair Nancy Nord and Commissioner Thomas Moore act before February 10, 2009, to establish interim industry guidance and a clear timeline for full compliance with the Consumer Product Safety Improvement Act of 2008 (P.L. 110-314).

LEADERSHIP OF THE CONSUMER PRODUCT SAFETY COMMISSION

On February 4, 2009, Chairmen Waxman and Rush, together with Sens. Rockefeller and Pryor, sent a letter to President Obama to request an immediate change of leadership at the CPSC, citing the inability of the Commission's leaders to effectively implement the provisions of the Consumer Product Safety Improvement Act of 2008 (P.L. 110–314). This letter also highlighted broader dysfunction at the Commission, resulting in a lack of guidance to industry and the proliferation of fear and misinformation about the Act.

CONSUMER PROTECTION IN THE USED AND SUBPRIME CAR MARKET

On March 17, 2009, the Subcommittee on Commerce, Trade, and Consumer Protection held an oversight hearing titled "Stimulating the Economy through Trade: Examining the Role of Export Promotion." The Subcommittee examined the extent to which U.S. exports could aid economic growth, with a particular focus on the impact of export promotion programs sponsored by the federal government, and the assistance available to help U.S. businesses expand markets for U.S. products. Witnesses included representatives of the International Trade Administration at the Department of Commerce, the Foreign Agriculture Service at the Department of Agriculture, the Government Accountability Office, the National Association of Manufacturers, and the U.S. Chamber of Commerce.

EXAMINING THE STATUS OF U.S. TRADE WITH CUBA AND ITS IMPACT ON ECONOMIC GROWTH

On April 27, 2009, the Subcommittee on Commerce, Trade, and Consumer Protection held an oversight hearing titled "Examining the Status of U.S. Trade with Cuba and its Impact on Economic Growth." The Subcommittee examined the economic embargo against Cuba in the context of the global financial downturn and explored the potential economic impact of normalizing U.S.-Cuba trade relations. Witnesses included the former Chief of Mission at the U.S. Interests Section in Havana, as well as representatives of the International Trade Administration at the Department of Commerce, the Bureau of Industry and Security at the Department of Commerce, the U.S. Chamber of Commerce, and two non-profit organizations, one that promotes U.S.-Cuba trade and the other that monitors human rights issues in Latin America.

IT'S TOO EASY BEING GREEN: DEFINING FAIR GREEN MARKETING PRACTICES

On June 9, 2009, the Subcommittee on Commerce, Trade, and Consumer Protection held an oversight hearing titled "It's Too Easy Being Green: Defining Fair Green Marketing Practices." The Subcommittee examined "green" marketing claims, their interpretation by consumers, and the role of the FTC in establishing guidelines for fair and effective green marketing practices. Witnesses included representatives of FTC, Consumers Union, and three different environmental standards-setting programs.

U.S.-AFRICA TRADE RELATIONS: CREATING A PLATFORM FOR ECONOMIC GROWTH

On June 24, 2009, the Subcommittee on Commerce, Trade, and Consumer Protection held a joint oversight hearing, with the Committee on Foreign Affairs Subcommittee on Africa and Global Health titled “U.S.-Africa Trade Relations: Creating a Platform for Economic Growth.” The Subcommittees examined how increased trade with Sub-Saharan Africa could be an engine for both U.S. economic recovery and Africa’s economic growth. Witnesses included a professor with expertise on African economics, as well as representatives of the Office of the U.S. Trade Representative, the U.S. Trade and Development Agency, the International Trade Association at the Department of Commerce, The Corporate Council on Africa, the U.S. Chamber of Commerce, and Motorola.

CONSUMER PRODUCT SAFETY COMMISSION OVERSIGHT: CURRENT ISSUES AND A VISION FOR THE FUTURE

On September 10, 2009, the Subcommittee on Commerce, Trade, and Consumer Protection held an oversight hearing titled “Consumer Product Safety Commission Oversight: Current Issues and a Vision for the Future.” The Subcommittee received the testimony of Chairman Inez Tenenbaum, which outlined a vision for the Commission under her leadership.

THE MINORITY BUSINESS DEVELOPMENT AGENCY: ENHANCING THE PROSPECTS FOR SUCCESS

On October 15, 2009, the Subcommittee on Commerce, Trade, and Consumer Protection held an oversight hearing titled “The Minority Business Development Agency: Enhancing the Prospects for Success.” The Subcommittee examined how the Minority Business Development Agency (MBDA), in consultation with the Department of Commerce, can optimize use of its resources in order to create more opportunities for minority business owners and workers. Witnesses included the National Director of MBDA, as well as the presidents of the Chicago Minority Business Development Council, the El Paso (TX) Hispanic Chamber of Commerce, and the U.S. Pan Asian American Chamber of Commerce.

THE NFL STARCAPS CASE: ARE SPORTS’ ANTI-DOPING PROGRAMS AT A LEGAL CROSSROADS?

On November 3, 2009, the Subcommittee on Commerce, Trade, and Consumer Protection held an oversight hearing titled “The NFL StarCaps Case: Are Sports’ Anti-Doping Programs at a Legal Crossroads?” The Subcommittee examined the integrity of the drug-testing programs and policies of professional sports leagues in light of a recent federal court ruling regarding state preemption of these collectively bargained policies. Witnesses included the commissioner of the National Football League, the executive director of the National Football League Players Association, an executive at Major League Baseball, the general counsel of the Major League Baseball Players Association, CEO of the U.S. Anti-Doping Agency, and two professors of law with expertise on sports law.

DRIVEN TO DISTRACTION: TECHNOLOGICAL DEVICES AND VEHICLE
SAFETY

On November 4, 2009, the Subcommittee on Commerce, Trade, and Consumer Protection held a joint oversight hearing, with the Subcommittee on Communications, Technology, and the Internet titled “Driven to Distraction: Technological Devices and Vehicle Safety.” The Subcommittee examined safety issues concerning drivers distracted by wireless or other electronic communications devices built in or brought into the vehicle. Witnesses included the Secretary of Transportation and the Chairman of the Federal Communications Commission, as well as representatives of a wireless communications industry association, an automobile manufacturers’ industry association, and four organizations that study transportation safety.

THE BP OIL SPILL AND GULF COAST TOURISM: ASSESSING THE IMPACT

On July 27, 2010, the Subcommittee on Commerce, Trade, and Consumer Protection held an oversight hearing titled “The BP Oil Spill and Gulf Coast Tourism: Assessing the Impact.” The Subcommittee examined both the damages suffered by the tourism industry in the Gulf region and the process by which the independent Gulf Coast Claims Facility will evaluate tourism-related claims. Witnesses included the administrator of the Gulf Coast Claims Facility, the president of the U.S. Travel Association, the owner of a New Orleans-based restaurant group, as well as representatives from the tourism or food and lodging associations of the Alabama Gulf Coast, the Mississippi Gulf Coast, and Florida.

IMPLEMENTATION OF THE VIRGINIA GRAEME BAKER POOL AND SPA
SAFETY ACT

On August 5, 2010, Chairman Waxman sent a letter to four Commissioners and the Chairman of the Consumer Product Safety Commission (CPSC) to reexamine the manner in which it had implemented the Virginia Graeme Baker Pool and Spa Safety Act (P.L. 110–140). Specifically, this letter expressed concern about pool drain covers that could be considered safe under CPSC rules but that recent evidence demonstrated were not safe.

HEARINGS HELD

Revisiting the Toxic Substances Control Act of 1976.—Hearing on critical gaps in the statute and how these gaps hinder effective chemical safety policy in the United States. Hearing held on February 26, 2009. PRINTED, Serial No. 111–7.

Consumer Protection in the Used and Subprime Car Market.—Hearing on the current state of consumer protection in the auto market, with particular attention to purchases by lower income individuals. Hearing held on March 5, 2009. PRINTED, Serial No. 111–9.

Stimulating the Economy through Trade: Examining the Role of Export Promotion.—Hearing on the role of exports in U.S. economic growth, the impact of export promotion programs sponsored by the federal government, and the assistance available to help U.S. busi-

nesses expand markets for U.S. products. Hearing held on March 17, 2009. PRINTED, Serial No. 111–15.

Consumer Credit and Debt: The Role of the Federal Trade Commission in Protecting the Public.—Hearing on the role of the Federal Trade Commission in consumer credit and debt issues. Hearing held on March 24, 2009. PRINTED, Serial No. 111–19.

H.R. 1706, Protecting Consumer Access to Generic Drugs Act of 2009.—Legislative hearing on a bill designed to protect consumer access to generic drugs. Hearing held on March 31, 2009. PRINTED, Serial No. 111–25.

Examining the Status of U.S. Trade with Cuba and its Impact on Economic Growth.—Hearing on the economic embargo against Cuba in the context of the global financial downturn and to explore the potential economic impact of normalizing U.S.-Cuba trade relations. Hearing held on April 27, 2009. PRINTED, Serial No. 111–32.

The Bowl Championship Series: Money and Other Issues of Fairness for Publicly Financed Universities.—Hearing on issues of competitive fairness and the extent to which public colleges and universities are adversely impacted by the inequitable distribution of revenue generated from the Bowl Championship Series system. Hearing held on May 1, 2009. PRINTED, Serial No. 111–34.

H.R. 2221, the Data Accountability and Trust Act and H.R. 1319, the Informed P2P User Act.—Legislative hearing on two consumer protection bills. Hearing held on May 5, 2009. PRINTED, Serial No. 111–36.

H.R. 2309, the Consumer Credit and Debt Protection Act and H.R. 2190, the Mercury Pollution Reduction Act.—Legislative hearing on two consumer protection bills. Hearing held on May 12, 2009. PRINTED, Serial No. 111–38.

Auto Safety: Current Mandates and Emerging Issues.—Hearing on the status of existing congressional mandates on the National Highway Traffic Safety Administration (NHTSA) as well as emerging issues in vehicle, highway, passenger, and pedestrian safety in preparation for NHTSA reauthorization. Hearing held on May 18, 2009. PRINTED, Serial No. 111–40.

It's Too Easy Being Green: Defining Fair Green Marketing Practices.—Hearing on “green” marketing claims, their interpretation by consumers, and the role of the FTC in establishing guidelines for fair and effective green marketing practices. Hearing held on June 9, 2009. PRINTED, Serial No. 111–45.

Behavioral Advertising: Industry Practices and Consumers' Expectations.—Joint hearing with the Subcommittee on Communications, Technology, and the Internet on the potential privacy implications of behavioral advertising. Hearing held on June 18, 2009. PRINTED, Serial No. 111–53.

U.S.-Africa Trade Relations: Creating a Platform for Economic Growth.—Hearing on the opportunities and challenges of U.S. investment in and trade with Sub-Saharan Africa. Hearing held on June 24, 2009. PRINTED, Serial No. 111–55.

The Proposed Consumer Financial Protection Agency: Implications for Consumers and the FTC.—Hearing on the Administration's proposal to create a new agency responsible for consumer

protection with regard to financial products and services. Hearing held on July 8, 2009. PRINTED, Serial No. 111–57.

Oversight of Cemeteries and Other Funeral Services: Who's in Charge?—Hearing on consumer protections relating to funerals and cemeteries. Hearing held on July 27, 2009. PRINTED, Serial No. 111–59.

Consumer Product Safety Commission Oversight: Current Issues and a Vision for the Future.—Hearing on the relationship between Congress and the Consumer Product Safety Commission, with the Commission under new leadership. Hearing held on September 10, 2009. PRINTED, Serial No. 111–63.

Growing U.S. Trade in Green Technology.—Hearing on the benefits and challenges of increasing U.S. involvement in the global green economy. Hearing held on October 7, 2009. PRINTED, Serial No. 111–68.

The Minority Business Development Agency: Enhancing the Prospects for Success.—Hearing on the Department of Commerce's Minority Business Development Agency. Hearing held on October 15, 2009. PRINTED, Serial No. 111–71.

The NFL StarCaps Case: Are Sports' Anti-Doping Programs at a Legal Crossroads?—Hearing on the integrity of the drug-testing programs and policies of professional sports leagues in light of a federal court ruling regarding state preemption of these collectively bargained policies. Hearing held on November 3, 2009. PRINTED, Serial No. 111–78.

Driven to Distraction: Technological Devices and Vehicle Safety.—Joint hearing with the Subcommittee on Communications, Technology, and the Internet on safety issues concerning drivers distracted by wireless or other electronic communications devices built in or brought into the vehicle. Hearing held on November 4, 2009. PRINTED, Serial No. 111–79.

Prioritizing Chemicals for Safety Determination.—Hearing on the options for prioritizing chemicals for safety determinations in the event that the Committee amends the Toxic Substances Control Act (TSCA). Hearing held on November 17, 2009. PRINTED, Serial No. 111–80.

Exploring the Offline and Online Collection and Use of Consumer Information.—Joint hearing with the Subcommittee on Communications, Technology, and the Internet on the collection and commercial use of consumer data in the offline and online marketplace. Hearing held on November 19, 2009. PRINTED, Serial No. 111–83.

H.R. 3993, the Calling Card Consumer Protection Act.—Legislative hearing on a consumer protection bill relating to the use of telephone calling cards. Hearing held on December 3, 2009. PRINTED, Serial No. 111–86.

H.R. 3655, the Bereaved Consumer's Bill of Rights Act of 2009.—Legislative hearing on a bill that would require the FTC to prescribe rules prohibiting unfair or deceptive acts or practices in the provision of funeral goods and services. Hearing held on January 27, 2010. PRINTED, Serial No. 111–93.

The Collection and Use of Location Information for Commercial Purposes.—Hearing on privacy and other issues related to the commercial collection, use, and sharing of location-based information. Hearing held on February 24, 2010. PRINTED, Serial No. 111–98.

TSCA and Persistent, Bioaccumulative, and Toxic Chemicals: Examining Domestic and International Actions.—Hearing on U.S. and international efforts to protect public health and the environment from persistent, bioaccumulative, and toxic chemicals, how the Toxic Substances Control Act (TSCA) is currently being used to manage these chemicals, and how the TSCA process might be improved. Hearing held on March 4, 2010. PRINTED, Serial No. 111–102.

NHTSA Oversight: The Road Ahead.—Hearing on the operations of the National Highway Traffic Safety Administration. Hearing held on March 11, 2010. PRINTED, Serial No. 111–104.

H.R. 1796, the Residential Carbon Monoxide Poisoning Prevention Act, and H.R. 4805, the Formaldehyde Standards for Composite Wood Products Act.—Legislative hearing on two consumer protection bills relating to environmental health and safety. Hearing held on March 18, 2010. PRINTED, Serial No. 111–106.

Public Sales of Hurricane Katrina/Rita FEMA Trailers: Are They Safe or Environmental Time Bombs?—Hearing on public sales by the General Services Administration of travel trailers and mobile homes that were purchased and provisioned by the Federal Emergency Management Agency (FEMA) as emergency housing for thousands of displaced Gulf Coast residents following Hurricanes Katrina and Rita. Hearing held on April 28, 2010. PRINTED, Serial No. 111–114.

H.R. _____, the Consumer Product Safety Enhancement Act.—Hearing on a discussion draft relating to consumer product safety. Hearing held on April 29, 2010. PRINTED, Serial No. 111–116.

H.R. _____, the Motor Vehicle Safety Act.—Legislative hearing on a discussion draft of the Motor Vehicle Safety Act, which would strengthen the National Highway Traffic Safety Administration and improve vehicle safety. Hearing held on May 6, 2010. PRINTED, Serial No. 111–120.

H.R. 4501, the Guarantee of a Legitimate Deal Act, and H.R. 2480, the Truth in Fur Labeling Act.—Legislative hearing on two consumer protection bills, one relating to the sale of gold products and the other relating to Federal Trade Commission fur labeling requirements. Hearing held on May 13, 2010. PRINTED, Serial No. 111–123.

H.R. 4678, the Foreign Manufacturers Legal Accountability Act and H.R. 5156, the Clean Energy Technology Manufacturing and Export Assistance Act.—Legislative hearing on two bills relating to the maintenance of a strong, fair manufacturing sector. Hearing held on June 16, 2010. PRINTED, Serial No. 111–136.

H.R. 4692, the National Manufacturing Strategy Act.—Legislative hearing on a bill to require the President to formulate a National Manufacturing Strategy. Hearing held on July 14, 2010. PRINTED, Serial No. 111–143.

H.R. 5777, the BEST PRACTICES Act, and a discussion draft to require notice to and consent of an individual prior to the collection and disclosure of certain personal information relating to that individual.—Legislative hearing on pending privacy legislation. Hearing held on July 22, 2010. PRINTED, Serial No. 111–147.

The BP Oil Spill and Gulf Coast Tourism: Assessing the Impact.—Hearing on both the damages suffered by the Gulf region

tourism industry and the process by which the independent Gulf Coast Claims Facility will evaluate tourism-related claims. Hearing held on July 27, 2010. PRINTED, Serial No. 111–150.

H.R. 5820, the Toxic Chemicals Safety Act of 2010.—Legislative hearing on pending legislation which would amend the Toxic Substances Control Act of 1976 to ensure that the public and the environment are protected from risks resulting from chemical exposure. Hearing held on July 29, 2010. PRINTED, Serial No. 111–151.

H.R. 6149, the Coin and Precious Metal Disclosure Act.—Legislative hearing on a bill addressing the sale to consumers of gold and other precious metals for investment purchases. Hearing held on September 23, 2010. PRINTED, Serial No. 111–160.

Do-Not-Track Legislation: Is Now the Right Time? Hearing on the feasibility of establishing a mechanism that provides Internet users a simple and universal method to opt-out from having their online activity tracked by data-gathering firms. Hearing held on December 2, 2010. PRINTED, Serial No. 111–162.

SUBCOMMITTEE ON COMMUNICATIONS, TECHNOLOGY, AND THE
INTERNET

LEGISLATIVE ACTIVITIES

THE DIGITAL TELEVISION TRANSITION EXTENSION

Public Law 111–4 (S. 328, S. 352)

To amend the Communications Act of 1934 and the Digital Television Transition and Public Safety Act of 2005 to extend for approximately four months the deadlines related to the transition from analog to digital television broadcasting.

Summary

S. 352 requires the Federal Communications Commission (FCC) to extend for a 116-day period the licenses for recovered spectrum, including the license period and construction requirements associated with those licenses.

The bill extends to July 31, 2009, provided additional budget authority is enacted, the deadline for requesting digital-to-analog converter box coupons. The bill, S. 352, authorizes upon request the issuance of one replacement coupon for each coupon that expired without being redeemed.

Legislative History

On January 26, 2009, S. 328 was introduced and passed in the Senate with an amendment by unanimous consent.

The bill was received by the House and held at the desk on January 27, 2009. On that day, the House called up S. 328, as amended, under suspension of the rules and at the conclusion of debate, the vote on the bill was postponed.

On January 28, 2009, the House returned to the unfinished business and the vote was taken on S. 328, as amended, which failed to pass by a rollcall vote of 258–168, two-thirds of those voting in favor being required for passage under suspension of the rules.

On January 29, 2009, S. 352, a bill similar to S. 328, was introduced and passed without amendment in the Senate by unanimous consent.

On February 4, 2009, S. 352 was called up for consideration by the House and passed under a rule by a rollcall vote of 264–158, clearing the measure for the White House.

On February 9, 2009, S. 352 was presented to the President. On February 11, 2009, S. 352 was signed into law by the President and became Public Law 111–4.

THE AMERICAN RECOVERY AND REINVESTMENT ACT

Public Law 111–5 (H.R. 1, H.R. 629)

A legislative package to stimulate the economy through creation of jobs and promotion of investment.

Summary

H.R. 1, the American Recovery and Reinvestment Act of 2009 (Recovery Act), addressed broadband deployment and adoption in two primary ways. First, it created a grant program called the Broadband Technology Opportunities Program (BTOP), to be administered by the National Telecommunications and Information Administration (NTIA), an entity within the Department of Commerce. Second, the Recovery Act provided funding for a new broadband grant, loan, and loan guarantee program, the Broadband Initiatives Program (BIP), administered by the Rural Utility Service (RUS), an entity within the Department of Agriculture.

Legislative History

On January 22, 2009, the Committee on Energy and Commerce met in open markup session to consider five committee prints of draft legislation on portions of the economic recovery package within the jurisdiction of the Committee. Following the approval of the committee prints relating to legislation on broadband, energy, and health, a unanimous consent request by Chairman Waxman was agreed to that all text after section 1 of H.R. 629, the Energy and Commerce Recovery and Reinvestment Act of 2009, be struck and replace with the text of the five committee prints approved by the Committee, as amended. H.R. 629, as amended, was ordered favorably reported to the House.

On January 26, 2009, the Committee on Energy and Commerce filed the House report on H.R. 625 (H. Rept. 111–7, Part 1). The legislative provision contained in this and other Committee reports became part of H.R. 1, the American Recovery and Reinvestment Act of 2009, which was introduced on January 26, 2009.

On January 28, 2009, H.R. 1 was considered by the House and passed by a rollcall vote of 244–188.

On February 10, 2009, the Senate passed H.R. 1 with an amendment by a rollcall vote of 61–37. The Senate insisted upon their amendment, asked for a conference with the House, and appointed conferees: Inouye, Baucus, Reid, Cochran, and Grassley.

The House agreed to a motion to disagree with the Senate amendment and agreed to a conference on February 10, 2009, by a rollcall vote of 403 to 0. The Speaker appointed the conferees from the House: Obey, Rangel, Waxman, Lewis of California, and Camp.

On February 12, 2009, the conference report on H.R. 1 (House Rept. 111–16) was filed in the House.

On February 13, 2009, the House agreed to the conference report by a rollcall vote of 246–183. On the same day, the Senate agreed to the conference report by a rollcall vote of 60–38, clearing the measure for the White House.

On February 17, 2009, H.R. 1 was signed into law by the President and became Public Law 111–5.

THE LOCAL COMMUNITY RADIO ACT OF 2010

Public Law 111–_____ (H.R. 1147, H.R. 6533)

To expand the ability of the FCC to license low-power FM (LPFM) radio stations while protecting full-power FM stations from any potential or actual interference.

Summary

H.R. 1147 amends Section 632 of the Department of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act of 2001 in its entirety. The bill directs the FCC to modify its rules to eliminate third-adjacent minimum distance separation requirements between LPFM stations and full-power FM stations, including translator and booster stations. The bill directs the FCC to retain its rules adopted in 2000 that provide third-adjacent channel protection for full-power noncommercial FM stations that broadcast radio reading services via a subcarrier frequency from potential LPFM station interference. The bill directs the FCC to ensure, when licensing FM translator stations, that there is enough spectrum for both FM translator stations and LPFM stations, taking into consideration the needs of the local community.

Legislative History

On February 24, 2009, Reps. Mike Doyle (D-PA) and Lee Terry (R-NE) introduced H.R. 1147, the Local Community Radio Act of 2009. On February 24, 2009, H.R. 1147 was referred to the Committee on Energy and Commerce, and then referred to the Subcommittee on Communications, Technology, and the Internet on February 25, 2009.

On June 11, 2009, the Subcommittee on Communications, Technology, and the Internet held a hearing on H.R. 1147, receiving testimony from a representative of the FCC and a consumer advocate.

On October 8, 2009, the Subcommittee on Communications, Technology, and the Internet met in open markup session to consider H.R. 1147. Subsequently, the Subcommittee forwarded H.R. 1147, amended, to the full Committee by a voice vote.

On October 15, 2009, the Committee on Energy and Commerce met in open markup session to consider H.R. 1147 as approved by the Subcommittee. The Committee ordered H.R. 1147 favorably reported to the House, as amended, by a voice vote.

On December 14, 2009, the Committee on Energy and Commerce filed the House report on H.R. 1147 (H. Rept. 111–375).

On December 16, 2009, H.R. 1147 passed the House, as amended, under suspension of the rules by a voice vote.

On December 17, 2009, the Senate received H.R. 1147 with the House amendment and referred the legislation to the Senate Committee on Commerce, Science, and Transportation.

On December 16, 2010, Reps. Doyle and Terry introduced a similar bill, H.R. 6533, the Local Community Radio Act of 2010, which was referred to the Committee on Energy and Commerce on December 16, 2010.

On December 17, 2010, H.R. 6533 was called up on the House floor and passed under suspension of the rules by a voice.

H.R. 6533 was received by the Senate on December 17, 2010.

On December 18, 2010, H.R. 6533 was passed by the Senate without amendment by unanimous consent, clearing the measure for the White House.

On December 28, 2010, H.R. 6533 presented to the President.

H.R. 6533, as approved by the House and the Senate, was awaiting action by the President when this report was filed.

THE COMMERCIAL ADVERTISEMENT LOUDNESS MITIGATION ACT (CALM ACT)

Public Law 111–311 (H.R. 1084, S. 2847)

To require the Federal Communications Commission to promulgate rules concerning the loudness levels of commercial advertisements accompanying any video programming broadcast or distributed by a multichannel video programming distributor.

Summary

H.R. 1084, the “Commercial Advertisement Loudness Mitigation Act” or the “CALM Act”, would require the FCC to incorporate into its rules the standard developed by an industry standards-setting body for moderating the loudness of commercials in comparison to the accompanying video programming.

Legislative History

On February 13, 2009, H.R. 1084 was introduced by Rep. Anna G. Eshoo (D–CA) and referred to the Committee on Energy and Commerce. On February 23, 2009, H.R. 1084 was referred to the Subcommittee on Communications, Technology, and the Internet.

On June 11, 2009, the Subcommittee on Communications, Technology, and the Internet held a hearing on H.R. 1084, receiving testimony from a representative of the FCC, a television industry association, a consumer advocacy association, and an engineer.

On October 8, 2009, the Subcommittee on Communications, Technology, and the Internet met in open markup session to consider H.R. 1084 and favorably forwarded H.R. 1084 to the full Committee, amended, by a voice vote.

On November 19, 2009, the Committee on Energy and Commerce met in open markup session to consider H.R. 1084 as approved by the Subcommittee. Subsequently, the Committee ordered H.R. 1084 favorably reported to the House, as amended, by a voice vote.

On December 14, 2009, the Committee on Energy and Commerce filed the House report on H.R. 1084 (H. Rept. 111–374).

On December 15, 2009, H.R. 1084 passed the House, as amended, under suspension of the rules, by a voice vote.

On December 16, 2009, the Senate received H.R. 1084 with the House amendment and referred the bill to the Senate Committee on Commerce, Science, and Transportation.

Previously on December 8, 2009, S. 2847, a companion bill to H.R. 1084, was introduced by Sen. Whitehouse of Rhode Island and referred to the Senate Committee on Commerce, Science, and Transportation.

On September 28, 2010, the Committee on Commerce, Science, and Transportation reported S. 2847, with an amendment. On September 29, 2010, the Senate report was filed on S. 2847 (S. Rept. 111–340).

On September 29, 2010, S. 2847 was passed in the Senate with an amendment by unanimous consent.

On November 15, 2010, the House received S. 2847, where it was held at the desk.

On November 17, 2010, the House called up S. 2847 under suspension of the rules. Following completion of debate on the bill, further proceedings were postponed.

On December 2, 2010, the House resumed unfinished business and passed S. 2847, as amended, under suspension of the rules by a voice vote, clearing the measure for the White House.

On December 15, 2010, S. 2847 was signed into law by the President and became Public Law 111–311.

TO ALLOW THE FUNDING FOR THE INTEROPERABLE EMERGENCY COMMUNICATIONS GRANT PROGRAM ESTABLISHED UNDER THE DIGITAL TELEVISION TRANSITION AND PUBLIC SAFETY ACT OF 2005 TO REMAIN AVAILABLE UNTIL EXPENDED THROUGH FISCAL YEAR 2012

Public Law 111–96 (H.R. 3633, S. 1694)

To allow for the funding for the interoperable emergency communications grant program to remain available until expended through 2012.

Summary

H.R. 3633 extends the funding window for the interoperable emergency communications grant program established under the Digital Television Transition and Public Safety Act of 2005. The Public Safety Interoperable Communications Program (PSIC) funds state projects that provide public safety personnel with interoperable communications equipment and training for system users. Under current law, funding for these critical interoperability projects will expire in September 2010. This extension will allow funds to remain available until expended through fiscal year 2012.

Legislative History

On September 22, 2009, S. 1694 was introduced in the Senate and referred to the Committee on Commerce, Science, and Transportation.

On September 23, 2009, H.R. 3633 was introduced in the House by Rep. Harman of California and referred to the Committee on Energy and Commerce. H.R. 3633 was subsequently referred to the Subcommittee on Communications, Technology, and the Internet on September 24, 2009.

On October 8, 2009, the Subcommittee on Communications, Technology, and the Internet met in open markup session to consider the legislation and forwarded H.R. 3633 without amendment to the full Committee by a voice vote.

On October 15, 2009, the Committee on Energy and Commerce met in open markup session and H.R. 3633 was ordered favorably reported without amendment by a voice vote.

On October 14, 2009, the Senate companion bill to H.R. 3633, S. 1694, was passed by the Senate by unanimous consent.

On October 15, 2009, the House received S. 1694 and referred the bill to the Committee on Energy and Commerce.

On October 28, 2009, S. 1694 was called up on the House floor and passed the House under suspension of the rules by a rollcall vote of 420–0, clearing the measure for the White House.

On November 6, 2009, S. 1694 was signed into law by the President and became Public Law 111–96.

THE SATELLITE TELEVISION EXTENSION AND LOCALISM ACT OF 2010

Public Law 111–175 (H.R. 2994, S. 3333)

To amend provisions of the Communications Act of 1934 to extend to December 31, 2014, allowing satellite retransmission of network station signals to a subscriber who is located outside of the local market of the station and resides in an unserved household.

Summary

H.R. 2994, the “Satellite Home Viewer Reauthorization Act of 2009” (SHVRA), reauthorizes and amends certain provisions of the Communications Act of 1934 that govern satellite retransmission of television broadcast signals. The bill amends the Communications Act to account for the completion of the digital television transition; reauthorizes provisions of the Communications Act regarding certain good faith negotiating requirements set to expire at the end of 2009; improves regulatory parity between cable operators and satellite providers; creates incentives to expand local-into-local service to every television market in the United States, and directs the FCC to study two issues relating to the ability of consumers to receive local television signals.

Legislative History

On June 16, 2009, the Subcommittee on Communications, Technology, and the Internet held a hearing on a discussion draft of the Satellite Home Viewer Reauthorization Act of 2009 (SHVRA), receiving testimony from satellite television providers, content producers, a representative of television broadcasters and operators, and a satellite industry small business CEO.

On June 23, 2009, H.R. 2994 was introduced by Subcommittee Chairman Boucher and referred to the House Committee on Energy and Commerce. On June 24, 2009, H.R. 2994 was referred to the Subcommittee on Communications, Technology, and the Internet.

On June 25, 2009, the Subcommittee on Communications, Technology, and the Internet met in open mark-up session to consider H.R. 2994 and subsequently favorably forwarded H.R. 2994, amended, to the full Committee by a voice vote.

On October 15, 2009, the Committee on Energy and Commerce met in open mark up session to H.R. 2994 as approved by the Subcommittee. The Committee ordered H.R. 2994 favorably reported to the House, as amended, by a voice vote.

On December 2, 2009, the Committee on Energy and Commerce filed the House report on H.R. 2994 (H. Rept. 111–349).

On May 7, 2010, S. 3333, the Satellite Television Extension and Localism Act of 2010, was introduced and passed by unanimous consent in the Senate.

On May 11, 2010, S. 3333 was received in the House. On May 12, 2010, S. 3333 passed the House under suspension of the rules, by a voice vote, clearing the legislation for the White House.

On May 27, 2010, S. 3333 was signed into law by the President and became Public Law 111–175.

THE TRUTH IN CALLER ID ACT OF 2010

Public Law 111–331 (S. 30, H.R. 1258)

To protect against a practice commonly referred to as caller ID “spoofing,” where a caller falsifies the original caller ID information during the transmission of a phone call.

Summary

H.R. 1258 amends the Communications Act of 1934 to make it unlawful for any person in the United States, in connection with any real time voice communications, regardless of the technology or network used, to cause any caller identification service to transmit misleading or inaccurate caller identification information (“spoofing”) with the intent to defraud or deceive. It prohibits construing this Act to prevent blocking caller identification and declares that this Act does not prohibit lawfully authorized investigative, protective, or intelligence activity of a law enforcement agency of the United States, a state, or a political subdivision of a state, or of a U.S. intelligence agency.

Legislative History

On March 3, 2009, H.R. 1258 was introduced by Reps. Eliot Engel (D–NY) and Joe Barton (R–TX) and referred to the Committee on Energy and Commerce. On March 4, 2009, H.R. 1258 was referred to the Subcommittee on Communications, Technology, and the Internet.

On October 8, 2009, the Subcommittee on Communications, Technology, and the Internet met in open markup session and forwarded H.R. 1258, amended, to the full Committee, by a voice vote.

On March 10, 2010, the Committee on Energy and Commerce met in open markup session and H.R. 1258 was ordered favorably reported, as amended, by a voice vote.

On April 13, 2010, the Committee on Energy and Commerce filed the House report on H.R. 1258 (H. Rept. 111–461).

On April 14, 2010, H.R. 1258 passed the House, as amended, under suspension of the rules by a voice vote.

On April 15, 2010, the Senate received H.R. 1258 as amended by the House and placed the bill on the Senate Legislative Calendar.

S. 30, the Senate companion bill to H.R. 1258, was introduced on January 7, 2009, and referred to the Committee on Commerce, Science, and Transportation. Consideration by the Senate Committee was held on November 11, 2009 and reported without amendment.

On February 23, 2010, S. 30 passed the Senate with an amendment by unanimous consent.

On February 24, 2010, S. 30 was received in the House and subsequently referred to the Committee on Energy and Commerce.

On December 15, 2010, S. 30, as amended by the Senate, passed the House under suspension of the rules by a voice vote, clearing the measure for the White House.

The bill S. 30, as approved by the House and the Senate, was presented to the President on December 17, 2010.

On December 22, 2010, S. 30 was signed into law by the President and became Public Law 111–331.

TWENTY-FIRST CENTURY COMMUNICATIONS AND VIDEO ACCESSIBILITY
ACT OF 2010

Public Law 111–260 (H.R. 3101, S. 3304)

MAKING TECHNICAL CORRECTIONS IN THE TWENTY-FIRST CENTURY
COMMUNICATIONS AND VIDEO ACCESSIBILITY ACT OF 2010

Public Law 111–265 (S. 3828)

To update the communications laws to help ensure that individuals with vision, hearing, and other disabilities are able to utilize fully broadband services and equipment and better access video programming devices.

Summary

H.R. 3101 updates the communications laws to help ensure that individuals with disabilities are able to utilize fully communications services and equipment and better access video programming. The bill requires that all equipment that enables voice communications be compatible with hearing aids; requires makers of Internet access equipment, including hardware and software makers, to ensure that their products are accessible, unless doing so is not achievable; and requires providers of Internet access services or makers of Internet access equipment to make the user interfaces for such products accessible if achievable.

The bill requires the FCC to conduct inquiries and issue reports to Congress regarding closed captioning and video description of programming, on user interfaces in equipment designed to display video programming, and on video programming guides and menus. H.R. 3101 also requires the FCC to issue regulations to ensure that equipment used to view video programming, including devices with small screens, be capable of displaying closed captioning, passing through video description services, and conveying emergency information.

The bill reinstates the FCC’s video description rules that were vacated by the D.C. Circuit Court of Appeals in 2002, and grants the Commission authority to expand the hourly requirements of those rules after a period of years and after a series of reports. H.R. 3101 requires the FCC to issue regulations to mandate the provision of closed captioning with video programming distributed over the Internet to ensure that video programming providers convey emergency information in a manner that is accessible to individuals who are visually impaired. Finally, H.R. 3101 requires that user interfaces for equipment used to view video programming are accessible and requires that remote controls for such devices have

a button or functionally equivalent mechanism to access accessibility features.

Legislative History

On June 26, 2009, H.R. 3101 was introduced by Rep. Edward J. Markey (D-MA) and referred to the Committee on Energy and Commerce. On July 7, 2009, H.R. 3101 was referred to the Subcommittee on Communications, Technology, and the Internet.

On June 10, 2010, the Subcommittee on Communications, Technology, and the Internet held a hearing on H.R. 3101, receiving testimony from a person with disabilities, an organization representing Americans with disabilities, a telecommunications association, a wireless association, a cable association and a consumer electronics association.

On June 30, 2010, the Subcommittee on Communications, Technology, and the Internet met in open markup session and forwarded H.R. 3101, amended, to the full Committee, by a voice vote.

On July 21, 2010, the Committee on Energy and Commerce met in open markup session and H.R. 3101 was ordered favorably reported, as amended, by a voice vote.

On July 26, 2010, the Committee on Energy and Commerce filed the House report on H.R. 3101 (H. Rept. 111-563). The same day, H.R. 3101 passed the House, under suspension of the rules, by a rollcall vote of 348-23.

On July 27, 2010, the Senate received H.R. 3101 with the House amendment and on August 5, 2010, the bill was placed on the Senate Legislative Calendar. For further action on this bill, see action on S. 3304 and S. 3828.

On August 3, 2010, S. 3304, a Senate companion bill to H.R. 3101, was reported to the Senate, as amended, by the Senate Committee on Commerce, Science, and Transportation.

On August 5, 2010, S. 3304 passed the Senate with an amendment by unanimous consent.

On August 9, 2010, the House received S. 3304 and held the bill at the desk.

On September 22, 2010, S. 3828, a bill to make technical corrections to S. 3304 and the amendments made by that Act, was introduced and passed in the Senate without amendment by unanimous consent.

On September 23, 2010, S. 3828 was received in the House and referred to the Committee on Energy and Commerce.

On September 28, 2010, the House called up both S. 3304, as amended, and S. 3828 and passed each bill under suspension of the rules by voice votes, clearing the measures for the White House.

On September 30, 2010, both S. 3304 and S. 3828 were presented to the President.

On October 8, 2010, S. 3304 was signed into law by the President and became Public Law 111-260.

On October 8, 2010, S. 3828 were signed by the President and became Public Law 111-265.

THE RADIO SPECTRUM INVENTORY ACT

(H.R. 3125)

To require an inventory of spectrum bands managed by the National Telecommunications and Information Administration (NTIA) and the Federal Communications Commission (FCC).

Summary

H.R. 3125 requires the NTIA and the FCC to develop jointly a publicly-accessible spectrum inventory and submit regular reports to Congress regarding such an inventory. It also requires those agencies to make periodic recommendations as to which spectrum frequencies, if any, should be reallocated or otherwise made available for shared access.

Legislative History

On July 8, 2009, Rep. Waxman of California with Reps. Boucher of Virginia, Barton of Texas, and Stearns of Florida, and 14 additional members of the Committee on Energy and Commerce, introduced H.R. 3125, the Radio Spectrum Inventory Act. The bill was referred to the Committee on Energy and Commerce on July 8, 2009. On July 9, 2009, H.R. 3125 was referred to the Subcommittee on Communications, Technology, and the Internet.

On December 15, 2009, the Subcommittee on Communications, Technology, and the Internet held a hearing on H.R. 3125, receiving testimony from a public policy foundation, academia, a representative of a private corporation, a wireless association, a broadcasters association and a representative of a small technology company.

On January 21, 2010, the Subcommittee on Communications, Technology, and the Internet met in open markup session to consider H.R. 3125. The Subcommittee adopted an Amendment in the Nature of a Substitute offered by Subcommittee Chairman Boucher and forwarded H.R. 3125 to the full Committee, amended, by a voice vote.

On March 10, 2010, the Committee on Energy and Commerce met in open markup session on H.R. 3125, and adopted an amendment in the nature of a substitute (manager's amendment) by a voice vote, which was offered by Chairman Waxman on behalf of himself and Reps. Boucher, Barton, and Stearns. Subsequently, H.R. 3125 was ordered favorably reported to the House, amended, by a voice vote.

On April 13, 2010, the Committee on Energy and Commerce filed the House report on H.R. 3125 (H. Rept. 111-462).

On April 14, 2010, the House passed H.R. 3125, as amended, under suspension of the rules, by a voice vote.

On April 15, 2010, the Senate received H.R. 3125 as passed by the House, and referred the bill to the Senate Committee on Commerce, Science, and Transportation.

There was no further action taken on H.R. 3125 in the 111th Congress. (Additional activity related to provisions of this legislation may be found in the Subcommittee's section on Oversight Activities under "Spectrum Policy and Wireless Consumer Protection.")

THE SPECTRUM RELOCATION IMPROVEMENT ACT OF 2009

(H.R. 3019)

To improve the process of clearing federal users from spectrum that has been reallocated for commercial use.

Summary

H.R. 3019 amends the National Telecommunications and Information Administration Organization Act to require the NTIA to post on its website detailed transition plans from each federal entity that is eligible for payments from the Spectrum Relocation Fund for costs related to the reallocation of frequencies from federal to nonfederal use; requires the federal entities, to the fullest extent possible, to provide for sharing and coordination of eligible frequencies with commercial licensees; requires federal entities to complete spectrum relocation within one year of receiving relocation payments.

Legislative History

On June 24, 2009, H.R. 3019 was introduced by Reps. Inslee of Washington, Boucher of Virginia, and Upton of Michigan, and referred to the Committee on Energy and Commerce. On June 25, 2009, H.R. 3019 was referred to the Subcommittee on Communications, Technology, and the Internet.

On December 15, 2009, the Subcommittee on Communications, Technology, and the Internet held a hearing on H.R. 3019, receiving testimony from policy groups, private companies, a wireless association, a broadcasters association, and academia.

On January 21, 2010, the Subcommittee on Communications, Technology, and the Internet met in open markup session to consider the bill and forwarded H.R. 3019 to the full Committee without amendment by a voice vote.

On March 10, 2010, the Committee on Energy and Commerce met in open markup session to consider H.R. 3019 and subsequently ordered the bill favorably reported to the House without amendment by a voice vote.

No further action was taken on H.R. 3019 in the 111th Congress.

OVERSIGHT ACTIVITIES

THE AMERICAN RECOVERY AND REINVESTMENT ACT

The Subcommittee on Communications, Technology, and the Internet held general oversight hearings to examine issues related to the broadband programs created by the American Recovery and Reinvestment Act (Recovery Act), the Broadband Technology Opportunities Program (BTOP) established within the National Telecommunications and Information Administration (NTIA), and the Broadband Initiatives Program (BIP) administered by the Rural Utility Service (RUS) within the U.S. Department of Agriculture. The hearings examined efforts by the NTIA, the Federal Communications Commission (FCC), and the RUS to carry out the broadband programs established by the Recovery Act.

The first of these hearings occurred on April 2, 2009. At the hearing, the Subcommittee received testimony from representatives

of the NTIA, FCC, and RUS, as well as from industry stakeholders and other experts regarding implementation of the broadband programs.

On September 10, 2009, the Subcommittee held another hearing at which it received testimony focusing on the BTOP and the BIP programs. This hearing featured the head of NTIA, Assistant Secretary for Communications and Information Lawrence E. Strickling as well as RUS Administrator Jonathan Adelstein.

On March 4, 2010, the Subcommittee held a third hearing focusing on the BTOP and the BIP. Representatives of the NTIA and RUS testified before the subcommittee.

DIGITAL TELEVISION TRANSITION

Since June 12, 2009, full-power television stations nationwide have been broadcasting exclusively in a digital format. The benefits of the DTV transition include more broadcast television programming with better picture and sound quality and the freeing up of spectrum for innovative and wide-reaching wireless services.

The Digital Television Transition and Public Safety Act of 2005 (“DTV Act”), established February 17, 2009 as the date by which all full-power television stations must have converted to digital-only broadcasts. The DTV Act also established a coupon program administered by the NTIA that offered eligible households up to two \$40 coupons, each of which could be used to acquire a converter box to enable analog televisions not connected to cable, satellite, or other pay-TV services to receive broadcasters’ digital signals.

On January 8, 2009, the Obama-Biden transition team asked the House Committee on Energy and Commerce and the Senate Committee on Commerce, Science and Transportation to consider postponing the DTV transition date. The President-elect’s team cited numerous problems with the planned DTV transition, including inadequate consumer education and support, as well as the fact that over a million households were then on a waiting list to receive a coupon, with little hope of actually receiving one prior to the February 17, 2009, deadline. Congress responded to this request by passing S. 352, the DTV Delay Act, which set a new DTV transition date of June 12, 2009. As part of the Recovery Act, Congress also appropriated \$650 million for additional funding for the Converter Box Coupon Program and DTV transition consumer education efforts. S. 352, the DTV Delay Act, was signed by President Obama on February 11, 2009.

On March 26, 2009, the Subcommittee held a hearing titled “Oversight of the Digital Television Transition.” The hearing focused on the administration of the Converter Box Coupon Program by the NTIA, outreach and consumer education efforts by the FCC, and the status of the transition from the perspective of stakeholders.

On April 9, 2009, Chairman Waxman and Subcommittee Chairman Boucher requested information from manufacturers and retailers of TV converter boxes to determine whether there would be an adequate supply of coupon-eligible converter boxes to meet demand during the transition to digital television.

On November 9, 2009, Chairman Waxman and Subcommittee Chairman Boucher sent a letter to Acting Comptroller General of the Government Accountability Office (GAO) to request assistance in examining the status of low-power broadcast and TV translator stations' transition to digital-only broadcast.

FEDERAL COMMUNICATIONS COMMISSION

During the 111th Congress, the Committee conducted vigorous oversight of the Federal Communications Commission. All five FCC Commissioners appeared before the Subcommittee on Communications, Technology, and the Internet twice, and FCC Chairman Genachowski appeared at an additional hearing devoted to the topic of distracted driving. Acting Chairman Copps also testified at an additional hearing on the digital television transition.

On September 17, 2009, the Subcommittee on Communications, Technology and the Internet held a hearing titled "Oversight of the Federal Communications Commission" that became the first oversight hearing of the agency since Julius Genachowski became Chairman of the Commission. Other witnesses for the hearing were Commissioners Michael J. Copps, Robert M. McDowell, Mignon Clyburn, and Meredith Attwell Baker. Topics of the hearing included the National Broadband Plan (NBP), public safety interoperable broadband network, universal service and intercarrier compensation reform, special access, net neutrality, spectrum availability, wireless competition, as well as FCC management and process, among others.

On November 17, 2009, Chairman Waxman and Subcommittee Chairman Boucher sent a letter to Acting Comptroller General of the GAO requesting assistance in examining a number of issues pertaining to the FCC's fee structure.

On February 2, 2010, Chairman Waxman sent a letter to FCC Chairman Genachowski to express the importance of adopting permanent network neutrality rules that do not undermine copyright laws and efforts to protect content from theft.

The Subcommittee also conducted oversight of the FCC's Broadband Plan through four separate hearings solely dedicated to the plan and topics therein. On March 25, 2010, the Subcommittee on Communications, Technology, and the Internet held another hearing at which it received testimony from all five FCC Commissioners concerning the NBP as well as on a variety of communications policy matters.

On May 5, 2010, Chairman Waxman and Senate Committee on Commerce, Science, and Transportation Chairman Rockefeller sent a letter to Julius Genachowski, Chairman of the FCC, following the opinion of the U.S. Court of Appeals for the District of Columbia Circuit in *Comcast Corp v. Federal Communications Commission*. The ruling created legal and regulatory uncertainty regarding the FCC's authority to adopt regulations and implement the broad objectives of the NBP. The Chairmen called on the FCC to consider all viable options to move forward after the Comcast decision, including a change in the classification of broadband services, to protect broadband consumers and implement the NBP. The Chairmen noted that if there is a need to rewrite communications law to provide consumers, the FCC, and industry with an updated framework

for telecommunications policy, they are committed as Committee Chairmen to doing so.

NATIONAL BROADBAND PLAN

The Subcommittee on Communications, Technology, and the Internet held a series of oversight hearings following the FCC's release of its National Broadband Plan (NBP). The NBP was the result of provisions initially adopted by the Committee on Energy and Commerce during the January 22, 2009, markup of the broadband programs in title VI of the American Recovery and Reinvestment Act of 2009. The Committee adopted an amendment directing the FCC to submit a National Broadband Plan to Congress. The statute required that the plan seek to ensure that all American people have access to broadband capability and establish benchmarks for meeting that goal.

The statute also required that the NBP include an analysis of the most effective mechanisms for ensuring broadband access; a strategy to achieve affordability for broadband access; an evaluation of the status of broadband deployment; and a plan for advancing broadband use in relation to a variety of national purposes, such as public safety, health care delivery, energy independence, and education.

On March 16, 2010, after holding dozens of public workshops, issuing 31 public notices and receiving comments from more than 700 parties, the FCC released the NBP. Generally, the NBP presents an analysis of the state of broadband deployment and adoption in the United States and puts forth numerous recommendations for action by the FCC, the executive branch, and Congress.

The first oversight hearing concerning the NBP, held on March 25, 2010, was titled "Oversight of the Federal Communications Commission: The National Broadband Plan." All five FCC commissioners provided testimony.

On April 21, 2010, the Subcommittee held the second in this series of hearings addressing issues raised in the NBP. Titled "The National Broadband Plan: Deploying Quality Broadband Services to the Last Mile," the hearing examined assessments in the NBP of the availability of broadband and how to best deploy it to areas that are unserved and underserved, so that all Americans can benefit from quality broadband services. Witnesses included a representative from the FCC and the RUS, a representative of a public utility association, consumer advocates, and an economist.

On April 29, 2010, the Subcommittee held a third hearing, titled "The National Broadband Plan: Competitive Availability of Navigation Devices," to examine recommendations in the NBP to stimulate competition and innovation in the market for set-top boxes and other video navigation devices. The Subcommittee received testimony from a consumer advocate, a cable association, a satellite television provider, and companies that produce and utilize set-top boxes.

On May 13, 2010, the Subcommittee held the fourth of this series of hearings addressing issues raised in the NBP. The hearing, titled "The National Broadband Plan: Promoting Broadband Adoption," examined recommendations in the NBP for increasing broadband adoption, including ways to ensure that all Americans

are able to subscribe to broadband and educating consumers about the benefits of broadband. The Subcommittee received testimony from the FCC, a state telecommunications representative, a library association, and non-profit organizations.

INTERNET CORPORATION FOR ASSIGNED NAMES AND NUMBERS

On June 4, 2009, the Subcommittee on Communications, Technology, and the Internet held a hearing to examine issues related to the Internet Corporation for Assigned Names and Numbers (ICANN), including the expiring Joint Project Agreement (JPA) between the Department of Commerce and ICANN, as well as ICANN's proposed introduction of new generic Top Level Domains (gTLDs). The Subcommittee received testimony from the Department of Commerce, the Chief Executive Officer of ICANN, a technology policy group, and industry representatives.

On August 4, 2009, Chairman Waxman of California, Chairman Emeritus Dingell of Michigan, Subcommittee Chairman Boucher of Virginia, and Committee members Reps. Markey of Massachusetts, Stupak of Michigan, Eshoo of California, Doyle of Pennsylvania, Matsui of California, Christensen of the Virgin Islands, Space of Ohio, and McNerney of California sent a letter to U.S. Department of Commerce Secretary Locke regarding the expiration of the JPA between the United States and the ICANN, which promotes the stability, security, and functionality of the Internet Domain Name System (DNS). The members emphasized that rather than replacing the expiring JPA with additional JPAs or Memoranda of Understanding that expire every few years, a permanent instrument should be in place to ensure that ICANN remains perpetually accountable to the public and to all of its global stakeholders. Such permanent instrument should provide for periodic reviews of ICANN's performance with respect to transparency and accountability, create a mechanism for ICANN's implementation of any new gTLDs and internationalized domain names, and ensure that ICANN will adopt measures to maintain timely and public access to accurate and complete WHOIS information, as well as include commitments that ICANN will remain a not-for-profit corporation headquartered in the United States.

PUBLIC SAFETY BROADBAND COMMUNICATIONS

During the 111th Congress, the Committee on Energy and Commerce conducted extensive oversight to ensure that our nation's first responders have access to interoperable networks that will allow them to communicate effectively during any emergency.

On Thursday, September 24, 2009, the Subcommittee on Communications, Technology, and the Internet held a hearing titled "A National Interoperable Broadband Network for Public Safety: Recent Developments." The hearing focused on three proposals that emerged in the aftermath of the FCC's unsuccessful auction of the "D Block" of 700 MHz spectrum in 2008. The Subcommittee considered proposals from the Major Cities Chiefs Association and the Competitive Commercial Carriers, as well as a restructured auction of the D Block by the FCC based on a public/private partnership.

On June 17, 2010, the Subcommittee held a hearing on a bipartisan staff discussion draft to provide funding for the construction

and maintenance of a nationwide, interoperable public safety broadband network. The discussion draft was developed jointly by staff for Chairman Waxman, Subcommittee Chairman Boucher, full Committee Ranking Member Barton, and Subcommittee Ranking Member Stearns. The Subcommittee received testimony from the FCC, a public policy group, the New York Police Department, a fire fighters association, an emergency communications association, an academic, and telecommunications companies.

On June 30, 2010, Chairman Waxman, Subcommittee Chairman Boucher, Ranking Member Barton, and Subcommittee Ranking Member Stearns sent a letter to FCC Chairman Julius Genachowski requesting information related to the market for public safety communications equipment and devices.

SPECTRUM POLICY AND WIRELESS CONSUMER PROTECTION

The Subcommittee on Communications, Technology, and the Internet spent significant time monitoring the development of wireless broadband services and the impact of wireless carrier practices on consumers. The Subcommittee took note of the structure of the industry and how that structure affects competition and choice for consumers. Wireless carriers have suggested that the current U.S. allocation of spectrum for mobile broadband services compares poorly with other nations of the Organisation for Economic Co-operation and Development (OECD) and is inadequate to meet rapidly growing demand. That view has been echoed by FCC Chairman Julius Genachowski. As part of the NBP, the FCC has issued several notices seeking comment on current use of spectrum and the need for additional spectrum to meet the demand for wireless broadband services.

On May 7, 2009, the Subcommittee on Communications, Technology, and the Internet held a hearing to examine issues related to the status of wireless competition in the United States. The hearing examined issues affecting wireless competition such as the role of states in regulating terms and conditions of wireless services, handset exclusivity and availability, local number portability, voice and data roaming, tower siting, and wireless backhaul. Representatives from medium-size and rural wireless carriers, along with public interest and consumer groups, testified at the hearing.

To provide policymakers with greater transparency concerning current uses of spectrum and the availability of spectrum for new and innovative services, Chairman Waxman, Subcommittee Chairman Boucher, Ranking Member Barton, Subcommittee Ranking Member Stearns, and several other members of the Committee on Energy and Commerce introduced H.R. 3125, the Radio Spectrum Inventory Act in July 2009. The legislation would require an inventory of the radio spectrum bands managed by the NTIA and the FCC, including the amount and type of use.

Rep. Inslee of Washington also introduced legislation regarding spectrum policy that the Subcommittee considered along with H.R. 3125 at a hearing on December 15, 2009, and a Subcommittee markup on January 21, 2010. The bill, H.R. 3019, would amend the National Telecommunications and Information Administration Organization Act to require the NTIA to post on its website detailed transition plans from each Federal entity that is eligible for pay-

ments from the Spectrum Relocation Fund for costs related to the reallocation of frequencies from federal to nonfederal use. It would require the federal entities, to the fullest extent possible, to provide for sharing and coordination of eligible frequencies with commercial licensees.

On November 17, 2009, Chairman Waxman and Subcommittee Chairman Boucher sent a letter to Gene Dodaro, Acting Comptroller General of the GAO, requesting the agency to examine a number of important spectrum issues. Specifically, Chairmen Waxman and Boucher asked GAO to evaluate matters related to federal spectrum uses, commercial spectrum uses, and spectrum sharing opportunities.

President Obama has also indicated an increased focus within the Administration on spectrum policy and management. On June 28, 2010, the President signed a Presidential Memorandum to commit the federal government to a sustained effort to make available 500 MHz of federal and commercial spectrum over the next 10 years to foster investment and economic growth and to meet the burgeoning demand for mobile and fixed broadband.

On July 14, 2010, in response to a letter from Sen. Rockefeller of West Virginia as Chairman of the Senate Committee on Commerce, Science, and Transportation, FCC Chairman Genachowski announced that the Commission had begun creating an inventory of existing spectrum allocation, assignment, and utilization. On August 31, 2010, Chairman Waxman, Subcommittee Chairman Boucher, Ranking Member Barton, and Subcommittee Ranking Member Stearns sent letters to FCC Chairman Genachowski and Assistant Secretary for Communications and Information Larry Strickling outlining certain requirements for a spectrum inventory outlined in the House-passed legislation (H.R. 3125) that merit inclusion in the commission's effort to create an inventory. The provisions included a requirement that the agencies jointly submit reports to congressional committees containing recommendations as to which spectrum frequencies, if any, should be reallocated or otherwise made available for shared access, among others.

On November 15, 2010, the NTIA issued a report in response to the Presidential Memorandum detailing efforts by NTIA to nearly double commercial wireless spectrum. The plan included a timetable for identifying spectrum that can be made available for wireless broadband over the next 10 years, as well as a fast track evaluation that identified 115 megahertz of spectrum to be made available within 5 years.

TRAFFIC PUMPING

On October 14, 2009, Chairman Waxman, Subcommittee Chairman Boucher, and Subcommittee on Oversight and Investigations Chairman Stupak sent letters to AT&T, Qwest, Sprint, and Verizon requesting information concerning access charges and so-called "traffic pumping" arrangements. They sought details on the nature and scope of these arrangements as well as the steps companies take to resolve undisputed charges. The members were concerned that certain companies may be engaged in regulatory arbitrage to the detriment of consumers.

On February 16, 2010, Chairman Waxman and Subcommittee Chairmen Boucher and Stupak sent letters to 24 telecommunications companies to assist the Committee in its ongoing review of access charges and traffic pumping arrangements. The Committee sought additional information concerning allegations that the existing access charge regime may create incentives for companies to charge excessive rates for completing calls. The Committee has not reached a conclusion whether legislative changes are appropriate or necessary concerning this practice.

COMMUNICATIONS ACT UPDATE

On May 24, 2010, there was a joint announcement made by House Chairman Waxman and Subcommittee Chairman Boucher of the Committee on Energy and Commerce with Sen. Rockefeller, Senate Chairman of the Committee on Commerce, Science, and Transportation, and Sen. Kerry of Massachusetts, Senate Chairman of the Senate Subcommittee on Communications, Technology, and the Internet, that they will start a process to develop proposals to update the Communications Act. This process would include bicameral, bipartisan, staff-led stakeholder sessions.

The first set of staff-led stakeholder sessions convened on June 25, 2010, addressing broadband regulation and FCC authority, with a focus on protecting consumers and promoting broadband investment. A follow-up session held on July 2, 2010, covered the same topic in more detail. On July 16, 2010, a third bicameral, bipartisan stakeholder meeting was held to address spectrum policy, with a follow-up session on July 23, 2010. A fifth bipartisan House-only session was held on August 6, 2010, to discuss issues related to broadband regulation and FCC authority, this time with a focus on ensuring the integrity and protection of content against theft.

BROADBAND AND INTERNET FREEDOM

In response to the *Comcast v. FCC* decision by the D.C. Circuit that called into question the ability of the FCC to oversee and regulate broadband Internet access services, Chairman Waxman and Subcommittee Chairman Boucher sought to reach a bipartisan agreement on legislation that would protect and promote an open Internet. The proposal was designed to be an interim measure to protect net neutrality while Congress considers a permanent solution. It contained four key consumer protections that would restore FCC authority to prevent blocking of Internet content; applications, and services; prevent phone and cable companies from unjustly or unreasonably discriminating against any lawful Internet traffic; prohibit wireless broadband providers from blocking websites, as well as applications that compete with voice or video conferencing; and direct the FCC to issue transparency regulations.

The proposed legislation was not introduced as a bill because it failed to garner bipartisan support. On December 1, 2010, however, Chairman Waxman sent a letter to FCC Chairman Julius Genachowski that attached an authorized copy of the proposed legislation so that the Commission and the public would have access to an accurate version of the proposed compromise.

COMMUNICATIONS NETWORKS AND CONSUMER PRIVACY

The Subcommittee on Communications, Technology, and the Internet focused extensively on the topic of consumer privacy. On April 23, 2009, the Subcommittee held a hearing titled “Communications Networks and Consumer Privacy: Recent Developments.” The hearing reviewed technologies used by network operators to monitor their subscribers’ use of the Internet and how those technologies affect consumer privacy. The hearing explored three ways to monitor consumer usage on broadband and wireless networks: Deep packet inspection (DPI); information collection by digital set-top boxes; and wireless Global Positioning System (GPS) tracking.

Several joint hearings were held on this subject by the Subcommittee on Communications, Technology, and the Internet and the Subcommittee on Commerce, Trade, and Consumer Protection. On June 18, 2009, the subcommittees held the first joint hearing titled “Behavioral Advertising: Industry Practices and Consumers’ Expectations.” Over the last decade, advertisers, ad agencies, and online ad networks have developed sophisticated advertising tools that track individual users’ online activities over time in order to deliver advertising tailored to users’ online activities. This practice, called behavioral advertising, may be valuable, but it also raises important privacy concerns. There are currently no federal laws specifically governing the online advertising industry or the practice of online behavioral targeting.

On November 19, 2009, the two subcommittees held another joint hearing on privacy issues titled “Exploring the Offline and Online Collection and Use of Consumer Information.” The hearing examined the collection and commercial use of consumer data in the offline and online marketplaces. Central to the hearing’s review of offline data collection was an examination of the information broker industry, companies that are in the business of buying and selling consumer information. Information brokers maintain billions of data records on millions of individuals. Although much of the information collection and commercial uses of personal information are not regulated under federal law, many companies and trade associations have implemented privacy safeguards and offer consumers choices about certain uses of their information. Privacy practices vary widely, however, and consumer advocates have called the current framework, which largely relies on voluntary practices, inadequate.

On February 24, 2010, the two Subcommittees held a third joint hearing titled “The Collection and Use of Location Information for Commercial Purposes.” With the development of cheaper and more efficient location-based technologies, increased use of smart phones, the launch of geo-enabled Web browsers, and the proliferation of location-based applications, consumers everywhere are using the thousands of different location-based services (LBS) and applications, which collect and use location data, to communicate, socialize, travel, play, and shop. A wide range of stakeholders have raised privacy concerns regarding the collection and use of location information. Some of the concerns mirror privacy concerns that have been raised in other contexts, including discussions about the

collection and use of personally identifiable information in the on-line environment.

On May 4, 2010, Subcommittee Chairman Boucher and Subcommittee Ranking Member Stearns released a discussion draft of legislation to assure the privacy of personally identifiable information about individuals both on the Internet and offline.

COMPETITION IN THE COMMUNICATIONS MARKETPLACE

During the 111th Congress, the Subcommittee on Communications, Technology, and the Internet examined the state of competition in the communications marketplace with an emphasis on wireless competition. On May 7, 2009, the Subcommittee on Communications, Technology, and the Internet held a hearing titled "An Examination of Competition in the Wireless Industry." At the hearing Chairman Waxman and Subcommittee Chairman Boucher both noted the increasing role that wireless technology plays in the lives of Americans as evidenced by the number of people who rely solely on wireless phones and have no landline service.

On October 22, 2009, the Subcommittee held a hearing titled "Video Competition in a Digital Age." The hearing examined competition in the video programming marketplace, including access by multichannel video programming distributors and consumers to programming both offline and online. The Subcommittee received testimony from video programmers and distributors, content creators, and a public policy group.

The Subcommittee also carefully examined the proposed joint venture between Comcast and NBC Universal. On February 4, 2010, the Subcommittee held a hearing titled "An Examination of the Proposed Combination of Comcast and NBC Universal." The hearing focused on the proposed Comcast/NBC Universal joint venture and its potential impact on the video programming and broadband marketplace. The Subcommittee received testimony from representatives of Comcast and NBC Universal (NBCU), as well as a representative of the NBC affiliates board, a regional cable and broadband provider, a consumer advocacy group, and a public policy group.

On July 8, 2010, the Subcommittee held a field hearing at the Everett Dirksen Federal Building in Chicago, Illinois titled "Comcast and NBC Universal: Who Benefits?" This hearing focused on the proposed Comcast/NBC Universal joint venture, its potential impact on the video programming and broadband marketplace, and updates to the voluntary commitments made by Comcast and NBC Universal since the February hearing.

On December 7, 2010, Chairman Waxman sent a letter to FCC Chairman Julius Genachowski expressing his belief that the Commission and the Department of Justice should impose conditions on the proposed combination of Comcast and NBCU in order to protect consumers and promote competition. The conditions include program access requirements to protect competing program distributors, program carriage requirements to protect unaffiliated cable programmers, open Internet requirements to protect and promote the emerging online video market, and conditions that measurably strengthen the creative and economic opportunities of independent writers, producers, and directors.

On August 26, 2010, Chairman Waxman, Subcommittee Chairman Boucher, and Subcommittee on Energy and the Environment Chairman Markey released a report by the GAO that examined changes in the wireless industry over the past decade, consumer and stakeholder perspectives of regulatory policies and industry practices, and FCC strategies to monitor industry competition. GAO recommended that the FCC expand its data collection on such metrics as special access rates, prices, and capital expenditures in order to improve its monitoring and annual reporting on competition in the wireless market.

The GAO report, titled “Enhanced Data Collection Could Help FCC Better Monitor Competition in the Wireless Industry,” reviewed the changes in the wireless industry since 2000, noting an increase in consumer usage of wireless services and the consolidation among wireless carriers during this period. These changes have benefited consumers through lower prices and better coverage. Industry consolidation, however, has also reduced the ability of small and regional carriers to be competitive, raising concerns that a lack of competition in the market could result in higher fees and deteriorating service for consumers.

GAO recommended that the FCC more closely monitor industry practices that may jeopardize wireless competition as part of its statutory reporting and monitoring of wireless competition. The report also recommended that the FCC collect original data on pricing, capital expenditures by wireless carriers, and other metrics, and continue to examine the impact of early termination fees and exclusive handset arrangements.

DISTRACTED DRIVING

On November 4, 2009, the Subcommittee on Communications, Technology and the Internet and the Subcommittee on Commerce, Trade, and Consumer Protection held a joint hearing titled “Driven To Distraction: Technological Devices and Vehicle Safety.” The hearing examined safety issues related to drivers distracted by wireless or other electronic communications devices built in or brought into the vehicle. The Subcommittees received testimony from the FCC, the U.S. Department of Transportation, consumer advocates, and representatives of the wireless and automobile industry.

CYBERSECURITY

On May 1, 2009, the Subcommittee on Communications, Technology, and the Internet held a hearing titled “Cybersecurity: Network Threats and Policy Challenges.” The hearing explored threats to critical infrastructure, including communications networks, power grids, and governmental information systems. The Subcommittee received testimony from a non-profit organization, an Internet security association, and a company that provides cybersecurity-related clearinghouse services.

UNIVERSAL SERVICE FUND OVERSIGHT AND REFORM

During the 111th Congress, the Subcommittee on Communications, Technology, and the Internet conducted oversight of the Fed-

eral Universal Service Fund (USF), with a particular emphasis on controlling the size of the fund and whether to allow use of USF support for the deployment of broadband.

On March 12, 2009, the Subcommittee held a hearing titled “The Universal Service Fund: Reforming High Cost Support.” The purpose of the hearing was to examine the core principles of universal service in light of advances in technology and the changes in the communications marketplace. The Subcommittee reviewed aspects of the USF as administered by the FCC, possible reforms to the High Cost Fund, and the growing demand for advanced services, including broadband and high-speed mobile in high cost areas of the country. Chairman Waxman and Subcommittee Chairman Boucher expressed the importance of the principles of universal service and their commitment to comprehensive reform of the USF.

On April 1, 2009, Chairman Waxman, Subcommittee Chairman Boucher, Ranking Member Barton, and Subcommittee Ranking Member Stearns sent a letter to Acting FCC Chairman Michael Copps to request information concerning Universal Service Fund (USF) disbursements. The Committee sought targeted information about the top recipients of high-cost subsidy dollars from the USF. The Committee made this information available to the public by posting the FCC’s response on the Committee on Energy and Commerce website.

Legislation was developed from this oversight activity. On November 17, 2009, the Subcommittee held a hearing on a discussion draft of the Universal Service Reform Act of 2009. The draft proposed alternatives for the Commission to consider in broadening the contribution base; required the FCC to target support better to high-cost areas, and provide for broadband to be included as a supported service; it made a number of other changes to the fund’s administration.

On September 16, 2010, the Subcommittee held a hearing on H.R. 5828, a bill to reform the federal universal service provisions of the Communications Act of 1934. Introduced by Subcommittee Chairman Boucher and Rep. Terry of Nebraska, the bill would comprehensively reform the USF High Cost Fund.

On June 15, 2010, Chairman Waxman, Subcommittee Chairman Boucher, Ranking Member Barton, and Subcommittee Ranking Member Stearns sent a letter to FCC Chairman Genachowski requesting an update to the June 2009 information request concerning USF disbursements. The FCC response updating this information was again posted on the Committee on Energy and Commerce website.

HEARINGS HELD

Reauthorization of the Satellite Home Viewer Extension and Reauthorization Act.—Oversight hearing on reauthorization of the Satellite Home Viewer Extension and Reauthorization Act. Hearing held on February 24, 2009. PRINTED, Serial No. 111–5.

Universal Service: Reforming the High-Cost Fund.—Oversight hearing on the Universal Service Fund. Hearing held on March 12, 2009. PRINTED, Serial No. 111–13.

Oversight of the Digital Television Transition.—Oversight hearing on the administration of the DTV Converter Box Coupon Pro-

gram by the NTIA, outreach and consumer education efforts by the FCC, and the status of the transition from the perspective of other stakeholders. Hearing held on March 26, 2009. PRINTED, Serial No. 111–23.

Oversight of the American Recovery and Reinvestment Act: Broadband.—Oversight hearing to examine issues related to the broadband programs created by the Recovery Act. Hearing held on April 2, 2009. PRINTED, Serial No. 111–26.

Communications Networks and Consumer Privacy: Recent Developments.—Oversight hearing focusing on technologies utilized by network operators to monitor consumer usage and how those technologies intersect with consumer privacy. Hearing held on April 23, 2009. PRINTED, Serial No. 111–31.

Cybersecurity: Network Threats and Policy Challenges.—Oversight hearing to explore threats to critical infrastructure, including communications networks, power grids, and governmental information systems. Hearing held on May 1, 2009. PRINTED, Serial No. 111–35.

An Examination of Competition in the Wireless Industry.—Oversight hearing to examine issues related to the status of wireless competition in the United States. Hearing held on May 7, 2009. PRINTED, Serial No. 111–37.

Oversight of the Internet Corporation for Assigned Names and Numbers (ICANN).—Oversight hearing to examine issues related to the Internet Corporation for Assigned Names and Numbers (ICANN). Hearing held on June 4, 2009. PRINTED, Serial No. 111–42.

H.R.1147, the Local Community Radio Act of 2009, H.R.1133, the Family Telephone Connection Protection Act of 2009, and H.R.1084, the Commercial Advertisement Loudness Mitigation Act (CALM Act).—Legislative hearing on three bills referred to the Subcommittee. Hearing held on June 11, 2009. PRINTED, Serial No. 111–47.

Discussion Draft of Legislation to Reauthorize the Satellite Home Viewer Act.—Legislative hearing on a discussion draft of legislation to reauthorize the Satellite Home Viewer Act. Hearing held on June 16, 2009. PRINTED, Serial No. 111–51.

Behavioral Advertising: Industry Practices and Consumers' Expectations.—Oversight hearing to examine the potential privacy implications of behavioral advertising. Hearing held jointly with the Subcommittee on Commerce, Trade, and Consumer Protection on June 18, 2009. PRINTED, Serial No. 111–53.

Oversight of the American Recovery and Reinvestment Act: Broadband Part 2.—Oversight hearing to examine the Administration's implementation of the broadband programs created under the American Recovery and Reinvestment Act of 2009. Hearing held on September 10, 2009. PRINTED, Serial No. 111–62.

Oversight of the Federal Communications Commission.—Oversight hearing on views of FCC Commissioners on matters of policy and process. The first oversight hearing since Julius Genachowski became Chairman of the Federal Communications Commission (FCC). Hearing held September 17, 2009. PRINTED, Serial No. 111–65.

A National Interoperable Broadband Network for Public Safety: Recent Developments.—Oversight hearing to focus on three main proposals that have emerged in the aftermath of the FCC's unsuccessful "D Block" auction in 2008. Hearing held on September 24, 2009. PRINTED, Serial No. 111–67.

Video Competition in a Digital Age.—Oversight hearing to examine competition in the video programming marketplace, including access by multichannel video programming distributors and consumers to programming both offline and online. Hearing held on October 22, 2009. PRINTED, Serial No. 111–76.

Driven To Distraction: Technological Devices and Vehicle Safety.—Oversight hearing to examine safety issues concerning drivers distracted by wireless or other electronic communications devices built in or brought into the vehicle. Hearing held jointly with the Subcommittee on Commerce, Trade, and Consumer Protection on November 4, 2009. PRINTED, Serial No. 111–79.

Discussion Draft of the Universal Service Reform Act of 2009.—Legislative hearing on draft legislation to reform the federal universal service provisions of the Communications Act of 1934. Hearing held on November 17, 2009. PRINTED, Serial No. 111–81.

Exploring the Offline and Online Collection and Use of Consumer Information II.—Oversight hearing on the state of competition in the sports programming marketplace, including the nature of programming distribution, consumer choice, and other issues. Hearing held jointly with the Subcommittee on Commerce, Trade, and Consumer Protection on November 19, 2009. PRINTED, Serial No. 111–83.

H.R. 3125, the Radio Spectrum Inventory Act, and H.R. 3019, the Spectrum Relocation Improvement Act of 2009.—Legislative hearing on legislation to require an inventory of spectrum bands managed by the NTIA and the FCC, and on legislation to improve the process of clearing federal users from spectrum that has been reallocated for commercial use. Hearing held on December 15, 2009. PRINTED, Serial No. 111–89.

An Examination of the Proposed Combination of Comcast and NBC Universal.—Oversight hearing to examine the proposed Comcast/NBC Universal joint venture and its potential impact on the video programming and broadband marketplace. Hearing held on February 4, 2010. PRINTED, Serial No. 111–94.

The Collection and Use of Location Information for Commercial Purposes.—Oversight hearing to examine privacy concerns raised by use of location-based technologies. Hearing held jointly with the Subcommittee on Commerce, Trade, and Consumer Protection on February 24, 2010. PRINTED, Serial No. 111–98.

Oversight of the American Recovery and Reinvestment Act: Broadband, Part Three.—Oversight hearing to examine the Administration's implementation of the broadband programs created by the American Recovery and Reinvestment Act of 2009. Hearing held on March 4, 2010. PRINTED, Serial No. 111–101.

Oversight of the Federal Communications Commission: The National Broadband Plan.—Oversight hearing to explore details of the FCC's recently released National Broadband Plan. Hearing held on March 25, 2010. PRINTED, Serial No. 111–109.

The National Broadband Plan: Deploying Quality Broadband Services to the Last Mile. Oversight hearing to examine assessments in the National Broadband Plan of the availability of broadband and how to best deploy it to areas that are unserved and underserved, so all Americans can benefit from quality broadband services. Hearing held on April 21, 2010. PRINTED, Serial No. 111–111.

The National Broadband Plan: Competitive Availability of Navigation Devices.—Oversight hearing to examine recommendations contained in the National Broadband Plan to stimulate competition and innovation in set-top boxes and other video navigation devices. Hearing held on April 29, 2010. PRINTED, Serial No. 111–117.

The National Broadband Plan: Promoting Broadband Adoption.—Oversight hearing to examine recommendations in the National Broadband Plan for increasing broadband adoption, including ways to ensure that all Americans are able to subscribe to broadband and educating consumers about the benefits of broadband. Hearing held on May 13, 2010. PRINTED, Serial No. 111–124.

H.R. 3101, the 21st Century Communications and Video Accessibility Act of 2009.—Legislative hearing on legislation that would update the communications laws to help ensure that individuals with vision, hearing, and other disabilities are able to utilize fully broadband services and equipment and better access video programming devices. Hearing held on June 10, 2010. PRINTED, Serial No. 111–131.

Discussion Draft to Provide Funding for the Construction and Maintenance of a Nationwide, Interoperable Public Safety Broadband Network, and for Other Purposes, and H.R. 4829, the Next Generation 911 Preservation Act of 2010.—Legislative hearing on a discussion draft of legislation that would provide funding for constructing and maintaining an interoperable public safety broadband network, and for other purposes, and on legislation that would facilitate the migration from the current generation of emergency communications systems to IP-based emergency services known as Next Generation 911. Hearing held on June 17, 2010. PRINTED, Serial No. 111–138.

Comcast and NBC Universal: Who Benefits?—Oversight hearing to examine the proposed Comcast/NBC Universal joint venture and its potential impact on the video programming and broadband marketplace. Field hearing held in Chicago, Illinois, on July 8, 2010. PRINTED, Serial No. 111–142.

H.R. 5828, the Universal Service Reform Act of 2010.—Legislative hearing on a bill to reform the federal universal service provisions of the Communications Act of 1934. Hearing held on September 16, 2010. PRINTED, Serial No. 111–156.

SUBCOMMITTEE ON ENERGY AND ENVIRONMENT

LEGISLATIVE ACTIVITIES

THE AMERICAN RECOVERY AND REINVESTMENT ACT

Public Law 111–5 (H.R. 1, H.R. 629)

A legislative package to stimulate the economy through creation of jobs and promotion of investment.

Summary

The energy provisions of H.R. 1, the American Recovery and Reinvestment Act of 2009 (Recovery Act), were designed to accelerate deployment of smart grid technology, provide energy efficiency funds for the nation's schools and hospitals, offer support for the nation's governors and mayors to tackle their energy challenges, and establish a new loan guarantee program to keep renewable energy on track during the economic crisis. These provisions aimed to ensure that existing programs could be scaled up so that funds would be invested promptly and effectively.

The energy provisions included initiatives to jumpstart smart grid demonstration projects in geographically diverse cities, suburbs, and rural areas. This included an increase in federal matching grants for smart grid technology from 20% to 50%. Under the Act, grantees are required to utilize open internet-based protocols and standards when available and lessons learned during demonstration projects will be available to help others to deploy smart grid infrastructure.

The Act also created a temporary loan guarantee authority to provide loan guarantees for commercial renewable energy systems and electric power transmission systems that began construction by September 30, 2011. In addition, the Act increased the threshold for household eligibility for the Weatherization Assistance Program from 150% to 200% of the federal poverty income levels, and increased the per-home maximum assistance from \$2,500 to \$5,000.

The Act further conditioned the award of State Energy Program funding from the Economic Recovery Act upon a notification to the Secretary of Energy by the governor that the governor will seek to adopt certain utility regulatory policies to encourage utility-sponsored gains in energy efficiency and updated energy-efficient building codes.

In order to allow colleges and hospitals to become more energy efficient, the Act also waived certain caps on grants and loans so that larger energy efficiency projects will be adequately supported.

Legislative History

On January 22, 2009, the Committee on Energy and Commerce met in open markup session to consider five committee prints of

draft legislation on portions of the economic recovery package within the jurisdiction of the Committee. Following the approval of the committee prints relating to legislation on broadband, energy, and health, a unanimous consent request by Chairman Waxman was agreed to that all text after section 1 of H.R. 629, the Energy and Commerce Recovery and Reinvestment Act of 2009, be struck and replace with the text of the five committee prints approved by the Committee, as amended. H.R. 629, as amended, was ordered favorably reported to the House.

On January 26, 2009, the Committee on Energy and Commerce filed the House report on H.R. 625 (H. Rept. 111–7, Part 1). The legislative provision contained in this and other Committee reports became part of H.R. 1, the American Recovery and Reinvestment Act of 2009, which was introduced on January 26, 2009.

On January 28, 2009, H.R. 1 was considered by the House and passed by a rollcall vote of 244–188.

On February 10, 2009, the Senate passed H.R. 1 with an amendment by a rollcall vote of 61–37. The Senate insisted upon their amendment, asked for a conference with the House, and appointed conferees: Inouye, Baucus, Reid, Cochran, and Grassley.

The House agreed to a motion to disagree with the Senate amendment and agreed to a conference on February 10, 2009, by a rollcall vote of 403–0. The Speaker appointed the conferees from the House: Obey, Rangel, Waxman, Lewis of California, and Camp.

On February 12, 2009, the conference report on H.R. 1 (House Rept. 111–16) was filed in the House.

On February 13, 2009, the House agreed to the conference report by a rollcall vote of 246–183. On the same day, the Senate agreed to the conference report by a rollcall vote of 60–38, clearing the measure for the White House.

On February 17, 2009, H.R. 1 was signed into law by the President and became Public Law 111–5.

AMERICAN CLEAN ENERGY AND SECURITY ACT OF 2009

H.R. 2454 (H.R. 2998, S. 1733)

To create clean energy jobs, achieve energy independence, reduce global warming pollution and transition to a clean energy economy.

Summary

H.R. 2454, the American Clean Energy and Security Act (ACES), creates millions of new clean energy jobs, enhances America’s energy independence, and protects the environment. Key provisions in the bill:

(1) Require electric utilities to meet 20% of their electricity demand through renewable energy sources and energy efficiency by 2020.

(2) Invest in new clean energy technologies and energy efficiency, including energy efficiency and renewable energy (\$90 billion in new investments by 2025), carbon capture and sequestration (\$60 billion), electric and other advanced technology vehicles (\$20 billion), and basic scientific research and development (\$20 billion).

(3) Establish new energy-saving standards for new buildings and appliances.

(4) Reduce carbon emissions from major U.S. sources by 17% by 2020 and more than 80% by 2050 compared to 2005 levels. Complementary measures in the legislation, such as investments in preventing tropical deforestation, will achieve significant additional reductions in carbon emissions.

(5) Protect consumers from energy price increases.

ACES requires retail electric suppliers to meet a growing percentage of their load with electricity generated from renewable resources and electricity savings. The combined renewable electricity and electricity savings requirement begins at 6% in 2012 and gradually rises to 20% in 2020. At least three quarters (75%) of the requirement must be met by renewable energy, except that upon receiving a petition from the governor, the Federal Energy Regulatory Commission (FERC) can reduce the renewable requirement to three-fifths (60%). In 2020, 15% of the electricity load in each state must be met with renewable electricity and 5% with electricity savings. Upon petition by the governor, the renewable requirement can be reduced to 12% and the electricity savings can be increased to 8%.

In addition, the legislation requires the federal government to meet 20% of its energy needs with renewable energy by 2020.

ACES requires major sources of carbon emissions to obtain a pollution permit called an “allowance” for each ton of carbon dioxide or its equivalent that they emit. Through 2025, 13% of these allowances are allocated to investments in clean energy and energy efficiency. Using the Environmental Protection Agency (EPA) estimates of allowance prices, ACES invests roughly \$190 billion through 2025 in clean energy and energy efficiency programs, including: \$90 billion in state programs to promote renewable energy and energy efficiency; \$60 billion in carbon capture and sequestration technologies; \$20 billion in electric and other advanced technology vehicles; and \$20 billion in basic research and development into clean energy and energy efficiency. The investments in carbon capture and sequestration include \$10 billion generated through a small “wires charge” on electricity generated through fossil fuels.

Investments in clean energy continue after 2025, with 5% of allowances being devoted to renewable energy and energy efficiency, 5% to carbon capture and sequestration, and 1.5% to research and development.

ACES establishes a new Clean Energy Deployment Administration with \$7.5 billion in funding to support private investments in clean energy technologies, including nuclear power. Other provisions promote private investment in clean energy by reforming the existing title 17 loan guarantee program.

ACES includes provisions to promote the deployment of smart grid technology and transmission planning and siting. The transmission provisions include federal backstop siting authority in the Western interconnection for transmission lines needed to meet demand for renewable energy.

ACES establishes targets for new standards for building efficiency, requiring new buildings to be 30% more efficient in 2012 and 50% more efficient in 2016. States receive allowances that they can sell to support adoption and enforcement of state energy efficiency codes that meet the new standards. The Department of En-

ergy (DOE) must provide a federal backstop if a state declines to adopt or enforce compliant codes. ACES also establishes programs to help building owners retrofit existing buildings, replace antiquated mobile homes with energy-efficient models, and improve energy efficiency in multi-family assisted housing projects.

ACES adopts new efficiency standards for lighting products, commercial furnaces, and other appliances. The legislation also modifies the DOE appliance standard-setting process to make it more effective.

The bill requires EPA to promulgate carbon emission standards for heavy-duty vehicles and off-road vehicles, such as construction equipment, trains, and large ships. ACES also integrates consideration of climate change into the existing transportation planning process to further reduce transportation-related energy consumption.

ACES contains measures to increase the efficiency of water use and promote energy savings by the federal government and other public institutions. The legislation also creates a new energy efficiency program for small utilities with dedicated funding. Additionally, ACES authorizes a high efficiency gas turbine research program.

ACES contains three primary programs for reducing dangerous carbon emissions that cause global warming: (1) a cap on large domestic sources of emissions; (2) a program to reduce tropical deforestation; and (3) an offset program. In addition, ACES caps emissions of global warming pollutants that are substitutes for ozone-depleting chemicals, and it requires EPA to set performance standards for some uncapped sources of emissions. Taken together, these programs will reduce carbon emissions by 28% to 33% below 2005 levels by 2020. By 2050, ACES will reduce carbon emissions by 80% below 2005 levels through these programs.

Starting in 2012, ACES establishes annual tonnage limits on emissions of carbon and other global warming pollutants from large U.S. sources such as electric utilities and oil refiners. Under these limits, carbon pollution from large sources must be reduced by 17% below 2005 levels by 2020 and 83% below 2005 levels by 2050. To achieve these limits, ACES establishes a system of tradable permits called “emission allowances” modeled after the successful Clean Air Act program to prevent acid rain. This market-based approach provides economic incentives for industry to reduce carbon emissions at the lowest cost to the economy.

ACES directs EPA and the Department of State to use 5% of the allowances to secure agreements from developing nations to prevent tropical deforestation. This program will reduce carbon emissions by an additional 10 percentage points below 2005 levels by 2020.

ACES allows capped sources to increase their carbon emissions if they can obtain offsetting emission reductions from uncapped sources at a lower cost. The legislation allows capped sources to use offsets to acquire up to 2 billion tons of emission credits annually. Half of these credits must come from domestic sources, except that if insufficient domestic offsets are available, up to 1.5 billion tons of emission credits can be obtained from international offset projects. Starting in 2017, ACES requires capped sources to turn

in five tons of international offsets to receive four tons of emission credits. This mechanism will reduce carbon emissions by up to an additional five percentage points below 2005 levels by 2020.

ACES contains multiple provisions to ensure the integrity of offsets, including review by an independent scientific panel. Offsets may not be obtained from sources in a foreign nation until the United States has entered into an agreement with the originating nation establishing the terms of the offset program.

ACES directs the Secretary of Agriculture to establish a program governing the generation of offset credits from domestic agricultural and forestry sources. The Secretary must promulgate methodologies for assessing the amount of offset credits, including activity baselines, additionality requirements, quantification methods, and leakage. The legislation also directs the Secretary to establish requirements to account for and address reversals, and it allows for the issuance of term offset credits.

ACES contains numerous cost-containment measures including unlimited banking, a two-year compliance period (which allows borrowing one year in advance), and a strategic reserve of allowances that are available for auction if allowance prices exceed 160% of their three-year average. The proceeds of any sales from the reserve will be used to acquire additional international offsets, which will replenish the reserve at a low cost and result in additional reductions in carbon emissions. In addition, ACES establishes a minimum floor price for auctioned allowances of \$10 (in 2009 dollars) to provide stability and investment certainty.

ACES uses a combination of regulatory requirements and financial incentives to ensure that new coal-fired power plants will operate with carbon capture and sequestration (CCS) technology. All new coal plants permitted after 2020 must use CCS when they commence operations. Coal plants permitted between 2015 and 2020 lose eligibility for federal financial assistance if they do not use CCS when they commence operations; if they do not use CCS when they commence operations, they must retrofit CCS by no later than 2025 without federal financial assistance. Coal plants permitted between 2009 and 2015 lose eligibility for federal financial assistance if they do not retrofit CCS within five years after commencing operations; if they do not retrofit CCS by this date, they must retrofit CCS by no later than 2025 without federal financial assistance. The 2025 retrofit deadline is accelerated if four gigawatts of electricity generation is deployed with CCS before 2025; it may also be extended by EPA by up to 18 months on a case-by-case basis.

ACES requires that major U.S. sources of emissions obtain an allowance for each ton of carbon or its equivalent emitted into the atmosphere.

For the period from 2012 through 2025, 55% of the allowances would be used to protect consumers from energy price increases; 19% would be used to assist trade-vulnerable and other industries make the transition to a clean energy economy; 13% would be used to support investments in clean energy and energy efficiency; and 10% would be used for domestic adaptation, worker assistance and training, prevention of deforestation, and international adaptation.

The remainder (3% of allowances) will be used to help ensure that ACES is budget neutral.

From the period from 2026 through 2050, up to 58% of the allowances will be used to protect consumers; 19% would be used for domestic adaptation, worker assistance and training, prevention of deforestation, and international adaptation; 12% would be used to support investments in clean energy and energy efficiency; 7% would be used to ensure budget neutrality; and at least 4% would be used to assist trade-vulnerable and other industries.

Under ACES, approximately 80% of allowances are distributed without charge during the early years of the program to ease the transition to a clean energy economy. This transition period starts to phase out after 2025. By 2031, about 70% of the allowances would be auctioned.

ACES establishes five programs to protect consumers from energy price increases: one for electricity price increases; one for natural gas price increases; one for heating oil price increases; one to protect low- and moderate-income families; and one to provide tax dividends to consumers. In combination, these programs substantially reduce the cost impact of ACES on American consumers.

Electricity price increases would be regional in nature, with the greatest increases occurring in the coal-dependent regions of the country. To mitigate these price increases, the regulated utilities that distribute electricity to consumers would receive 32% of allowances through 2025 under a formula that distributes half of the allowances based on emissions and half based on electricity generation. These utilities are directed to use these allowances exclusively to keep rates low and, to the extent they use rebates, to do so to the maximum extent practicable by reducing the fixed-rate portion of consumer electricity bills. ACES contains a ratepayer fairness provision that ensures against windfalls by providing that no local distribution company should receive more allowances than necessary to cover its direct and indirect costs.

To mitigate increases in natural gas prices, the regulated utilities that distribute natural gas to consumers would receive 9% of allowances from 2016 through 2025. One-third of these allowances must be used for energy efficiency programs. The remainder must be passed through to consumers through lower prices under provisions similar to those that apply to the regulated electric utilities.

To mitigate increases in home heating oil prices, states would receive 1.6% of allowances through 2025 under a formula based on home heating oil use. These allowances must be used for rebates to consumers and investments in energy efficiency.

The electricity, natural gas, and heating oil provisions mitigate the costs of ACES on all consumers. In addition, ACES directs that 15% of the allowances be auctioned and the proceeds distributed back to consumers through a combination of refundable tax credits and electronic benefit payments.

Under ACES, many of the allowance provisions phase out starting in 2026. As these allowance allocations are phased out, ACES directs that the remaining allowances be auctioned and the proceeds distributed to consumers through tax credits.

Pursuant to the Inslee-Doyle program, energy-intensive, trade-exposed industries that make products such as iron, steel, cement,

and paper would receive allowances to cover their increased costs. The number of allowances set aside for this program would equal 15% of the allowances in 2014 and then decrease based on the percent reductions in the carbon emissions cap. These allowances would phase out after 2025 unless the President decides the program is still needed.

The legislation also provides that if the United States does not join a multilateral agreement, a border adjustment for energy-intensive trade-exposed sectors will be available to the President in 2020. The President must receive a joint resolution of Congress in order to waive use of the border adjustment for these sectors.

In addition, oil refiners would receive 2% of allowances starting in 2014 and ending in 2026, and merchant coal producers and electricity producers obligated to supply electricity under long-term contracts would receive 5% of allowances through 2025. The legislation provides an additional 0.25% of allowances for small business refiners from 2014 through 2026.

States would receive 10% of allowances from 2012 through 2015; 7% of allowances in 2016 and 2017; 6% of allowances from 2018 through 2021; and 5% of allowances thereafter for investments in renewable energy, energy efficiency, and pollution reducing transportation projects. Two percent of allowances from 2014 through 2017 and 5% thereafter would be available to electric utilities to cover the costs of installing and operating carbon capture and sequestration technologies (from 2014 through 2017, a small portion of these allowances would be used to offset the costs to the Treasury of the Carbon Storage Research Corporation, which would invest an additional \$10 billion in carbon capture and sequestration technologies). Three percent of allowances from 2012 through 2017 and 1% of allowances from 2018 through 2025 would be available for investments in electric vehicles and other advanced automobile technology and deployment. One-and-a-half percent of allowances in each year would be allocated to support research and development in advanced clean energy and energy efficiency technologies.

From 2012 through 2021, 2% of allowances would be allocated to prepare the United States to adapt to the impacts of climate change. The amount of allowances allocated for domestic adaptation would increase to 4% from 2022 through 2026 and to 8% thereafter. Half of these allowances would be used for wildlife and natural resource protection and half for other domestic adaptation purposes, including public health.

From 2012 through 2025, 5% of allowances would be allocated to prevent tropical deforestation and build capacity to generate international deforestation offsets. The allowances allocated to this program would be reduced to 3% from 2026 through 2030 and to 2% thereafter. From 2012 through 2021, 2% of allowances would be allocated for international adaptation and clean technology transfer. The amount of allowances allocated for these purposes would increase to 4% from 2022 through 2026 and to 8% thereafter. Half of these allowances would be used for adaptation and half for clean technology transfer.

From 2012 through 2021, 0.5% of allowances would be allocated for worker assistance and job training. This amount would increase to 1% thereafter. ACES also provides that 0.75% of allowances for

vintage years 2012 and 2013 shall be deposited in a new Energy Efficiency and Renewable Energy Worker Training Fund to ensure adequate funding under the Green Job Acts.

From 2012 through 2016, 0.28% of allowances would be allocated to the Secretary of Agriculture to support agricultural activities that sequester carbon but may not be eligible for offset credits and to support investments in renewable energy infrastructure.

One percent of allowances in 2012 would be allocated to projects that produced early emission reductions between January 1, 2001, and January 1, 2009.

Legislative History

The Subcommittee on Energy and Environment held 11 hearings prior to the House passage of the American Clean Energy and Security Act of 2009 (ACES).

The Subcommittee on Energy and Environment held eight hearings that contributed to the development of the ACES discussion draft: (1) “The Climate Crisis: National Security, Public Health, and Economic Threats” held on February 12, 2009; (2) “Energy Efficiency: Complementary Policies for Climate Legislation” held on February 24, 2009; (3) “Renewable Energy: Complementary Policies for Climate Legislation” held on February 26, 2009; (4) “The Role of Offsets in Climate Legislation” held on March 5, 2009; (5) “The Future of Coal Under Climate Legislation” held on March 10, 2009; (6) “Consumer Protection Provisions in Climate Legislation” held on March 12, 2009; (7) “Competitiveness and Climate Policy: Avoiding Leakage of Jobs and Emissions” held on March 18, 2009; and (8) “Preparing for Climate Change: Adaptation Policies and Programs” held on March 25, 2009.

On March 31, 2009, Chairman Waxman and Subcommittee Chairman Markey released a discussion draft of the American Clean Energy and Security Act. The legislation was available for review by both majority and minority Committee members, as well as outside experts and the public, for nearly seven weeks prior to Committee markup.

From April 21, 2009, to April 24, 2009, the Committee and Subcommittee held a legislative hearing on the ACES discussion draft, spanning four days. Nearly 70 witnesses testified, including former Vice President Al Gore and former Speaker of the House Newt Gingrich.

On May 15, 2009, Chairman Waxman and Subcommittee Chairman Markey introduced H.R. 2454, the American Clean Energy and Security Act of 2009. H.R. 2454 was referred to the Committee on Energy and Commerce, and in addition to the Committees on Foreign Affairs, Financial Services, Education and Labor, Science and Technology, Transportation and Infrastructure, Natural Resources, Agriculture, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

From May 18, 2009, to May 21, 2009, the full Committee met in open markup session to consider H.R. 2454. A manager’s amendment in the nature of a substitute offered by Mr. Waxman and Mr. Markey was adopted by a voice vote. During the 4 days of markup,

there were 96 amendments offered of which 36 amendments were adopted. On May 21, 2009, the Committee on Energy and Commerce ordered H.R. 2454 favorably reported to the House, amended, by a rollcall vote of 33–25.

On June 5, 2009, the Committee on Energy and Commerce filed the House report on H.R. 2454 (H. Rept. 111–137 Part 1).

Prior to the consideration of H.R. 2454 by the House, the Subcommittee on Energy and Environment held two additional hearings on the legislation. On June 9, 2009, the Subcommittee held a legislative hearing on “Allowance Allocation Policies in Climate Legislation: Assisting Consumers, Investing in a Clean Energy Future, and Adapting to Climate Change.” On June 12, 2009, the Subcommittee held a legislative hearing on “The Future of the Grid: Proposals of Reforming National Transmission Policy.”

On June 22, 2009, Chairman Waxman and Subcommittee Chairman Markey filed a substitute amendment to H.R. 2454 with the Committee on Rules. The substitute amendment reflected contributions of other committees, as well as technical changes. On June 23, 2009, Chairman Waxman and Subcommittee Chairman Markey introduced H.R. 2998, containing identical text as the substitute amendment filed with the Committee on Rules. H. Res. 587, providing a rule for the consideration by the House of H.R. 2454, was reported to the House on June 26, 2009, and subsequently passed the House by a rollcall vote of 217–205.

On June 26, 2009, H.R. 2454 passed the House, amended, by a rollcall vote of 219–212.

On July 7, 2009, H.R. 2454 was read a second time, and placed on the Senate Legislative Calendar under General Orders (Calendar No. 97).

No further action was taken on H.R. 2454 in the 111th Congress.

CONSUMER ASSISTANCE TO RECYCLE AND SAVE ACT

Public Law 111–32 (H.R. 2751, H.R. 520, H.R. 1550, H.R. 1606, H.R. 2346, H.R. 2640, H.R. 2454, S. 247, S. 1135, S. 1200, S. 1248)

To accelerate motor fuel savings nationwide and provide incentives to registered owners of high polluting automobiles to replace such automobiles with new fuel efficient and less polluting automobiles.

Summary

The bill authorizes a new “Cash for Clunkers” program. Under this program, consumers may trade in their old, gas-guzzling vehicles and receive vouchers worth up to \$4,500 to help pay for new, more fuel efficient cars and trucks.

New passenger cars that achieve at least 22 mpg are eligible for a \$3,500 voucher if the performance of the new car is at least 4 mpg higher than the old vehicle and a \$4,500 voucher if the performance of the new car is at least 10 mpg higher than the old vehicle. Light duty trucks that achieve at least 18 mpg are eligible for a \$3,500 voucher if the performance of the new truck is at least 2 mpg higher than the old vehicle and a \$4,500 voucher if the performance of the new truck is at least 5 mpg higher than the old vehicle. Large light duty trucks that achieve at least 15 mpg are

eligible for a \$3,500 voucher if the performance of the new truck is at least 1 mpg higher than the old vehicle and a \$4,500 voucher if the performance of the new truck is at least 2 mpg higher than the old vehicle. Consumers can also trade in a pre-2002 work truck (defined as a pick-up truck or cargo van weighing from 8,500–10,000 pounds) and receive a voucher worth \$3,500 for a new work truck in the same or smaller weight class. Consumers can also “trade down,” receiving a \$3,500 voucher for trading in an older work truck and purchasing a smaller light-duty truck weighing from 6,000–8,500 pounds. Work truck purchases are capped such that the total funds used to purchase work trucks cannot exceed 7.5 percent of all program funds. The bill also includes important consumer protections and protections against program fraud.

Legislative History

Prior to the introduction of H.R. 2751, the Committee on Energy and Commerce held a legislative hearing on the discussion draft of H.R. 2454, the American Clean Energy and Security Act (ACES) from April 21, 2009 to April 24, 2009. Provisions of “cash for clunkers” were discussed during the hearing.

From May 18, 2009 to May 21, 2009, the full Committee met in open markup session to consider H.R. 2454. Rep. Betty Sutton of Ohio offered an amendment to H.R. 2454, containing language almost identical to legislation that would later be introduced as H.R. 2751. On May 19, 2009, the Committee approved Rep. Sutton’s amendment by a rollcall vote of 50–4 with 1 member voting “present.”

On May 21, 2009, the Committee on Energy and Commerce ordered H.R. 2454 favorably reported to the House, amended, by a rollcall vote of 33–25.

On June 5, 2009, the Committee on Energy and Commerce filed the House report on H.R. 2454 (H. Rept. 111–137, Part 1).

On June 8, 2009, Rep. Sutton introduced H.R. 2751, the Consumer Assistance to Recycle and Save Act. The text of the legislation was nearly identical to the language of Rep. Sutton’s amendment to H.R. 2454 as approved by the Committee on Energy and Commerce. H.R. 2751 was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means.

On June 9, 2009, H.R. 2751 passed the House under suspension of the rules by a rollcall vote of 298–119 with 2 members voting “present.”

On June 10, 2009, the Senate received H.R. 2751 as passed by the House and placed on the Senate Legislative Calendar. Further action on the substance of the bill as passed by the House was taken when its language was inserted as part of H.R. 2346, as noted below. H.R. 2751 was amended on December 19, 2010, by the Senate with the language of the FDA Food Safety Modernization Act. (For further information, see H.R. 2749/S. 510 under the Subcommittee on Health.)

On June 11, 2009, the House and Senate met in conference to reconcile the difference between their respective versions of H.R. 2346, the Supplemental Appropriations Act of 2009. The conferees agreed to include in title XIII of H.R. 2346 the provisions of H.R.

2751, as passed by the House, which appropriated \$1 billion for the program.

On June 12, 2009, the House conferees filed a conference report on H.R. 2346 (H. Rept. 111–151). The House agreed to the conference report on June 16, 2009, by a rollcall vote of 226–202.

On June 18, 2009, the Senate agreed to the conference report by a rollcall vote of 91–5, clearing the measure for the White House.

On June 24, 2009, H.R. 2346 was signed into law by the President and became Public Law 111–32.

On July 31, 2009, the House passed H.R. 3435, making supplemental appropriations for fiscal year 2009 for the Consumer Assistance to Recycle and Save Program, and then the bill was passed by the Senate on August 6, 2009. H.R. 3435 appropriated an additional \$2 billion for the “Cash for Clunkers” program. H.R. 3435 was signed into law by the President on August 6, 2009, and became Public Law 111–47.

DIESEL EMISSIONS REDUCTION ACT OF 2010

Awaiting White House Action (H.R. 5809, H.R. 2454)

The Diesel Emissions Reduction Act of 2010 is an Act to amend the Energy Policy Act of 2005 to reauthorize and modify provisions relating to the diesel emissions reduction program.

Summary

This Act reauthorizes the Diesel Emissions Reduction Act (DERA) for 2012 through 2016 at \$100,000,000 annually, half the authorization levels for 2007 through 2011. DERA authorizes the Environmental Protection Agency and States to provide loans and grants to reduce diesel air pollution from trucks, other vehicles, and engines, and to conserve fuel. H.R. 5809 allows the use of rebates for purchases of diesel retrofit equipment.

This Act adds American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, Puerto Rico, and the Virgin Islands to the list of States eligible to receive grants, and adjusts the State grant distribution formula accordingly.

This Act makes several additional changes to improve the administration and effectiveness of the DERA program.

Legislative History

On May 19, 2009, during the full Committee consideration of H.R. 2454, the American Clean Energy and Security Act (ACES), an amendment was offered by Rep. Christensen of the Virgin Islands to reauthorize DERA and amend it by providing for participation in the program by specified U.S. territories and protectorates. The amendment was agreed to by voice vote.

On May 21, 2009, the Committee on Energy and Commerce ordered H.R. 2454 favorably reported to the House, amended, by a rollcall vote of 33–25.

On June 5, 2009, the Committee on Energy and Commerce filed the House report on H.R. 2454 (H. Rept. 111–137 Part 1).

On June 26, 2009, H.R. 2454 passed the House, amended, by a rollcall vote of 219–212.

On November 18, 2010, S. 3973 was introduced by Sen. Voinovich of Ohio and referred to the Senate Committee on Environment and Public Works.

On November 30, 2010, the Senate Committee on Environment and Public Works ordered S. 3973 favorably reported to the Senate without amendment.

On December 2, 2010, H.R. 6482 was introduced as a House companion bill to S. 3973 by Reps. Richardson and Matsui of California and referred to the Committee on Energy and Commerce.

On December 16, 2010, the Senate called up H.R. 5809 and by unanimous consent amended H.R. 5809 to change the title and striking all after the enacting clause, and inserting the language of a modified version of S. 3973. H.R. 5809, as amended, was passed by the Senate by unanimous consent.

On December 21, 2010, the House agreed to the Senate amendment to H.R. 5809, under suspension of the rules, by a voice vote, clearing the measure for the White House.

On December 29, 2010, H.R. 5809 was presented to the President.

H.R. 5809, as approved by the House and the Senate, was pending action by the President at the time this report was filed.

REDUCTION OF LEAD IN DRINKING WATER ACT

Awaiting White House Action (S. 3874, H.R. 5320, H.R. 5289)

To amend the Safe Drinking Water Act to reduce lead in drinking water.

Summary

S. 3874 redefines “lead-free” under the Safe Drinking Water Act with respect to faucets and plumbing fixtures to lower the permissible amount of lead in a faucet or fixture from 8% lead to .25% lead in the wetted surfaces. The Act exempts faucets and plumbing fixtures from the prohibition on the use or sale of parts that are not lead free when they are used exclusively for nonpotable water or water that is not anticipated to be used for human consumption.

Legislative History

On May 12, 2010, H.R. 5289, the Get the Lead Out Act, was introduced by Rep. Eshoo of California, and was subsequently referred to the Committee on Energy and Commerce.

On May 13, 2010, the Subcommittee on Energy and Environment held a legislative hearing on proposed legislative language to reauthorize the Safe Drinking Water Act state revolving fund, including the provisions of H.R. 5289.

On May 18, 2010, H.R. 5320, the Assistance, Quality, and Affordability (AQUA) Act, was introduced by Reps. Waxman and Markey, and was subsequently referred to the Committee on Energy and Commerce. That same day, the bill was referred to the Subcommittee on Energy and Environment. The provisions of H.R. 5289 were included in section 15 of the introduced bill.

On May 19, 2010, the Subcommittee on Energy and Environment met in open markup session to consider H.R. 5320. Mr. Markey offered a manager’s amendment in the form of an amendment in the

nature of a substitute, which was adopted, amended, by a voice vote. H.R. 5320 was forwarded to the full Committee, amended, by a rollcall vote of 18–13.

On May 26, 2010, the full Committee met in open markup session to consider H.R. 5320 as approved by the Subcommittee. A manager’s amendment in the form of an amendment in the nature of a substitute was offered by Mr. Waxman and adopted, amended, by a voice vote. Subsequently, the Committee ordered H.R. 5320 favorably reported to the House, amended, by a rollcall vote of 45–1.

On July 1, 2010, the Committee on Energy and Commerce filed the House report on H.R. 5320 (H. Rept. 111–524).

On July 30, 2010, H.R. 5320 passed the House, as amended, under suspension of the rules by a voice vote.

On August 2, 2010, the Senate received H.R. 5320 and on August 5, 2010, referred the bill to the Senate Committee on Environment and Public Works. No further action was taken on H.R. 5320 during the 111th Congress.

On April 29, 2010, S. 3874, the Reduction of Lead in Drinking Water Act, was introduced in the Senate. It was referred to the Committee on Environment and Public Works, which reported the bill favorably without amendment on November 30, 2010. The bill passed the Senate by unanimous consent on December 16, 2010.

On December 17, 2010, the House considered S. 3874 under suspension of the rules, and passed the bill without amendment, clearing the measure for the White House.

S. 3874, as approved by the House and the Senate, was awaiting action by the President when this report was filed.

TO EXCLUDE AN EXTERNAL POWER SUPPLY FOR CERTAIN SECURITY OR LIFE SAFETY ALARMS AND SURVEILLANCE SYSTEM COMPONENTS FROM THE APPLICATION OF CERTAIN ENERGY EFFICIENCY STANDARDS UNDER THE ENERGY POLICY AND CONSERVATION ACT

Awaiting White House Action (H.R. 5470)

To exclude an external power supply for certain security or life safety alarms and surveillance system components from the application of certain energy efficiency standards under the Energy Policy and Conservation Act.

Summary

This measure amends the Energy Policy and Conservation Act to exclude an external power supply for certain security or life safety alarms and surveillance system components from the application of no-load mode energy efficiency standards.

Legislative History

On May 28, 2010, H.R. 5470 was introduced in the House by Rep. Pallone of New Jersey and referred to the Committee on Energy and Commerce. H.R. 5470 was referred to the Subcommittee on Energy and Environment on June 8, 2010.

On December 8, 2010, the House considered a motion to pass H.R. 5470, under suspension of the rules. Following debate, the

House agreed to suspend the rules and pass H.R. 5470 by a voice vote.

On December 9, 2010, the Senate received H.R. 5470.

On December 21, 2010, the Senate passed H.R. 5470 without amendment by unanimous consent, clearing the measure for the White House.

On December 28, 2010, H.R. 5470 was presented to the President.

H.R. 5470, as approved by the House and the Senate, was awaiting action by the President when this report was filed.

CHEMICAL AND WATER SECURITY ACT OF 2009

H.R. 2868 (H.R. 3258, H.R. 2883, S.3599)

To amend the Homeland Security Act of 2002 to enhance security and protect against acts of terrorism against chemical facilities, to amend the Safe Drinking Water Act to enhance the security of public water systems, and to amend the Federal Water Pollution Control Act to enhance the security of wastewater treatment works, and for other purposes.

Summary

H.R. 2868 extends the authority of the Department of Homeland Security (DHS) to implement and enforce the Chemical Facility Anti-Terrorism Standards (CFATS), and improves these standards in a number of ways (Title I). It also requires the Environmental Protection Agency (EPA) to establish parallel security programs for drinking water (Title II) and wastewater facilities (Title III).

Title I of H.R. 2868 amends the Homeland Security Act of 2002 to modify and make permanent the authority of the Secretary of Homeland Security (the Secretary) to regulate and enhance security to protect chemical facilities against intentional acts, including acts of terrorism. The bill enacts in law many of the current CFATS regulations. The bill also makes changes to the CFATS program that reduce the likelihood and consequences of a terrorist attack by requiring covered chemical facilities to assess the feasibility of alternative chemicals and processes, and in some circumstances to adopt those alternatives. This title also requires each CFATS-regulated chemical facility to conduct a security vulnerability assessment and subsequently implement a site security plan that applies layered security measures to address the vulnerabilities. It also provides DHS with the authority and resources to inspect these facilities and ensure compliance.

Title II of H.R. 2868 replaces Section 1433 of the Safe Drinking Water Act (SDWA) to strengthen security at drinking water facilities to prevent an intentional act that causes a chemical release, contaminates the water supply, or otherwise disrupts the ability of a water system to provide a safe and reliable supply of drinking water. The bill requires the EPA Administrator to establish risk-based performance standards for community water systems serving more than 3,300 people and for other exceptional public water systems that the Administrator determines pose a security risk.

Title III of H.R. 2868 amends the Federal Water Pollution Control Act, more commonly known as the Clean Water Act, to en-

hance the security of operations at wastewater treatment works from intentional acts that may substantially disrupt the ability of the facility to operate safely and reliably, or have a substantial adverse impact on critical infrastructure, public health or safety, or the environment. This title preserves the historic regulatory oversight of sewage treatment facilities by the EPA and ensures that security regulations appropriately balance water quality and security goals. By charging EPA with security in the water sector, this Act ensures seamless security-related requirements for public utilities with both wastewater and drinking water responsibilities.

Legislative History

H.R. 2868, the “Chemical Facility Anti-Terrorism Act of 2009”, was introduced on June 15, 2009, by the Chairman of the Committee on Homeland Security, Hon. Bennie G. Thompson (D-MS), Committee on Energy and Commerce Chairman Henry A. Waxman (D-CA), Subcommittee on Energy and Environment Chairman Edward J. Markey (D-MA), and Reps. Sheila Jackson-Lee (D-TX) and Yvette D. Clarke (D-NY). The bill was referred to the Committee on Homeland Security, and sequentially to the Committee on Energy and Commerce. H.R. 2868 was referred to the Subcommittee on Energy and Environment on June 16, 2009.

On July 20, 2009, H.R. 3258, the “Drinking Water System Security Act of 2009”, was introduced by Chairman Waxman, Subcommittee on Energy and Environment Chairman Markey, and Reps. Pallone of New Jersey, Capps of California, Sarbanes of Maryland, and Schakowsky of Illinois. H.R. 3258 was referred to the Subcommittee on Energy and Environment on July 27, 2009.

The Subcommittee on Energy and Environment held a legislative hearing on these two bills on October 1, 2009, and titled the hearing “H.R. 2868, the Chemical Facility Anti-Terrorism Act of 2009, and H.R. 3258, the Drinking Water System Security Act of 2009.” The Subcommittee received testimony from two panels of witnesses. The witnesses on the first panel were the Hon. Peter Silva, Assistant Administrator, Office of Water, U.S. Environmental Protection Agency (EPA), and the Hon. Rand Beers, Under Secretary, National Protection and Programs Directorate, U.S. Department of Homeland Security (DHS). The second panel was comprised of four witnesses: the Director of the Newport News Waterworks (Virginia) and President of the Board of Directors of the Association of Metropolitan Water Agencies; the Vice President for Federal Affairs at the American Chemistry Council; a legislative representative of the CWA-UAW Legislative Alliance; and the International EHS Manager, Fujifilm Imaging Colorants Chair, Safety and Security Committee, Society of Chemical Manufacturers and Affiliates.

On October 14, 2009, the Subcommittee on Energy and Environment met in open markup session to consider H.R. 2868 and H.R. 3258. Mr. Markey offered a manager’s amendment to H.R. 2868, which was adopted by a voice vote, amended. Subsequently, H.R. 2868 was favorably forwarded to the full Committee, amended, by a rollcall vote of 18–10. During consideration of H.R. 3258, Mr. Markey also offered a manager’s amendment, which was adopted by a voice vote, amended. H.R. 3258 was favorably forwarded to the full Committee, amended, by a voice vote.

On October 21, 2009, the full Committee met in open markup session to consider H.R. 2868 and H.R. 3258 as approved by the Subcommittee on Energy and Environment. During consideration of H.R. 2868, a manager's amendment in the nature of a substitute to H.R. 2868 offered by Mr. Markey was adopted by a voice vote, as amended by two amendments agreed to during consideration of the substitute amendment. The Committee subsequently ordered H.R. 2868 favorably reported to the House, amended, by a rollcall vote of 29–18.

The Committee then took up H.R. 3258, in which a manager's amendment in the form of an amendment in the nature of a substitute was offered by Mr. Waxman to the bill. The substitute amendment was adopted by a voice vote. The Committee subsequently ordered H.R. 3258 favorably reported to the House, amended, by a voice vote.

On October 23, 2009, the Committee on Energy and Commerce filed the House reported on H.R. 2868 (H. Rept. 111–205, Part 2). That same day, the Committee also filed the House report on H.R. 3258 (H. Rept. 111–313).

On November 5, 2009, H. Res. 885, a resolution to provide a rule for the consideration of H.R. 2868, passed the House by a rollcall vote of 233–182. The rule provided for an amendment in the nature of a substitute (as printed in part A of H. Rept. 111–327), which made the following changes to H.R. 2868: designated the “Chemical Facility Anti-Terrorism Act of 2009” as Title I; created a new Title II, incorporating provisions of H.R. 3258, the “Drinking Water System Security Act of 2009,” as reported by the Committee on Energy and Commerce; created a new Title III, incorporating provisions of H.R. 2883, the “Wastewater Treatment Works Security Act of 2009” (Clean Water Act); and changed the title of H.R. 2868 to the “Chemical and Water Security Act of 2009”.

On November 6, 2009, the House considered H.R. 2868 and passed the bill, as amended, by a rollcall vote of 230–193.

On November 9, 2009, H.R. 2868 was received by the Senate and read twice and referred to the Senate Committee on Homeland Security and Governmental Affairs.

On March 3, 2010, the Senate Committee on Homeland Security and Governmental Affairs held a hearing on H.R. 2868.

On July 28, 2010, the Senate Committee on Homeland Security and Governmental Affairs met in open markup session to consider H.R. 2868 as passed by the House. An amendment in the nature of a substitute was offered by Sen. COLLINS of Maine, and was adopted without objection. Subsequently, the Committee ordered H.R. 2868 favorably reported to the Senate, as amended, by a rollcall vote of 13–0.

On December 16, 2010, the Senate Committee on Homeland Security and Governmental Affairs reported H.R. 2868 to the Senate, amended (S. Rept. 111–370).

No further action was taken on H.R. 2868 or H.R. 3258 during the 111th Congress.

AMERICAN MEDICAL ISOTOPES PRODUCTION ACT OF 2009

H.R. 3276

To promote the production of molybdenum-99 in the United States for medical isotope production, and to condition and phase out the export of highly enriched uranium for the production of medical isotopes.

Summary

H.R. 3276 provides the Department of Energy new legal authority and resources to assist and accelerate private sector projects to establish a robust domestic supply of molybdenum-99 produced without the use of highly enriched uranium. The Act authorizes \$163 million over five years for the Department of Energy to evaluate and support private-sector projects for the domestic production of molybdenum-99 without the use of highly enriched uranium.

The bill also amends the Atomic Energy Act to allow the domestic use of highly enriched uranium for medical isotope production only if the reactor operator is working to convert to the use of low enriched uranium. In addition, the bill amends the Atomic Energy Act to prohibit the issuance of export licenses for highly enriched uranium for medical isotope production seven years after the date of enactment. This period can be extended for no more than four years by the Secretary of Energy. The bill would also allow for the temporary suspension of the restriction of HEU export licenses if there is a critical shortage in the supply of molybdenum-99 available to satisfy the domestic United States medical isotope needs, the Secretary of Energy certifies to Congress that the export of U.S.-origin HEU for the purposes of medical isotope production is the only effective temporary means to increase the supply of molybdenum-99 necessary to meet U.S. medical isotope needs during that period, and Congress passes a joint resolution approving the temporary suspension.

Legislative History

On July 21, 2009, H.R. 3276 was introduced by Reps. Markey of Massachusetts and Upton of Michigan, and was referred to the Committee on Energy and Commerce.

On July 22, 2009, H.R. 3276 was referred to the Subcommittee on Energy and Environment.

On September 9, 2009, the Subcommittee on Energy and Environment held a legislative hearing on H.R. 3276. The Subcommittee received testimony from representatives of the National Nuclear Security Administration (NNSA), the Committee on Medical Isotope Production Without Highly Enriched Uranium at the National Academy of Sciences (NAS), and the Council on Radioisotopes and Radiopharmaceuticals (CORAR).

On October 14, 2009, the Subcommittee on Energy and Environment met in open markup session. A manager's amendment in the nature of a substitute offered by Mr. Markey was adopted by a voice vote. H.R. 3276 was forwarded to the full Committee, amended, by a voice vote.

On October 21, 2009, the full Committee met in open markup session to consider H.R. 3276 as approved by the Subcommittee on

Energy and Environment. A manager's amendment in the nature of a substitute offered by Mr. Markey was adopted by a voice vote. The Committee ordered H.R. 3276 favorably reported to the House, amended, by a voice vote.

On November 4, 2009, the Committee on Energy and Commerce filed the House report on H.R. 3276 (H. Rept. 111-328).

On November 5, 2009, H.R. 3276 was considered by the House under suspension of the rules and passed, as amended, by a rollcall vote of 400-17.

On November 6, 2009, H.R. 3276 was received by the Senate and read twice and referred to the Senate Committee on Energy and Natural Resources.

On December 3, 2009, the Senate Committee on Energy and Natural Resources held a hearing on H.R. 3276.

On December 16, 2009, the Senate Committee on Energy and Natural Resources met in open markup session to consider H.R. 3276 as passed by House. H.R. 3276 was ordered favorably reported to the Senate, amended, by a voice vote.

On January 28, 2010, the Senate Committee on Energy and Natural Resources filed the Senate report on H.R. 3276 (S. Rept. 111-120).

No further action was taken on H.R. 3276 during the 111th Congress.

RADIOACTIVE IMPORT DETERRENCE ACT

H.R. 515 (S. 232)

To prohibit the importation of certain low-level radioactive waste into the United States.

Summary

H.R. 515 amends the Atomic Energy Act of 1954 by inserting a new Sec. 277, Importation of Low-Level Radioactive Waste. The bill provides that the Nuclear Regulatory Commission shall not issue licenses authorizing the importation into the United States of low-level radioactive waste and radioactive waste below regulatory concern. The bill provides exceptions to the prohibition for federal government or military use and for the return to the United States for management and disposal of low-level radioactive waste resulting from the use in a foreign country of certain United States origin nuclear material.

The bill also authorizes the President to waive the prohibition in subsection a. for a specific license application upon a finding that the importation would meet an important national or international policy goal. Such a waiver must specify the policy goal to be achieved, how it is to be achieved, and the amount of material to be imported. H.R. 515 also provides that licenses issued before the date of enactment of this section may continue in effect on their original terms, but may not be extended or amended with respect to the amount of material permitted to be imported.

Legislative History

On January 14, 2009, H.R. 515 was introduced by Reps. Gordon of Tennessee, Terry of Nebraska, and Matheson of Utah, and was

referred to the Committee on Energy and Commerce and in addition to the Committee on Ways and Means.

On January 15, 2009, H.R. 515 was referred to the Subcommittee on Energy and Environment.

On October 16, 2009, the Subcommittee on Energy and Environment held a legislative hearing on H.R. 515. The Subcommittee received testimony from Margaret M. Doane, Director, Office of International Programs, U.S. Nuclear Regulatory Commission (NRC); Leonard C. Slosky, Executive Director, Rocky Mountain Low Level Waste Board; and Val Christensen, President, EnergySolutions.

On November 3, 2009, the Subcommittee on Energy and Environment met in open markup session to consider H.R. 515. A manager's amendment in the nature of a substitute offered by Mr. Markey was adopted by a voice vote. H.R. 515 was then forwarded to the full Committee, amended, by a voice vote.

On November 19, 2009, the full Committee met in open markup session to consider H.R. 515 as approved by the Subcommittee on Energy and Environment. Subsequently, the Committee ordered H.R. 515 favorably reported to the House, as amended by the Subcommittee, by a rollcall vote of 34–12.

On December 2, 2009, the Committee on Energy and Commerce filed the House report on H.R. 515 (H. Rept. 111–348, Part 1). That same day the House passed H.R. 515 under suspension of the rules, amended, by a rollcall vote of 309–112.

On December 3, 2009, the Senate received H.R. 515 with the House amendment and it was referred to the Senate Committee on Environment and Public Works.

No further action was taken on H.R. 515 during the 111th Congress.

HOME STAR ENERGY RETROFIT ACT OF 2010

H.R. 5019 (S. 3177, S. 3434, S. 3663)

To provide for the establishment of the Home Star Retrofit Rebate Program, and for other purposes.

Summary

H.R. 5019 is intended to improve the energy efficiency of American homes, to increase employment in the home construction and renovation industries, to promote domestic manufacture of energy efficient products and materials, to foster private enterprise in energy efficiency retrofit services and quality assurance, and to assist homeowners requiring assistance with energy efficiency financing.

The Home Star program is designed to facilitate homeowner investment and prompt a surge in interest in home retrofitting and its benefits, with a goal of creating longer-term awareness of the benefits of energy efficiency retrofits that can outlive the two-year program. In addition, Home Star would promote increases in employment in the home retrofitting industry and in the manufacture of energy efficient products.

There are two primary components to the Home Star program. First is the two-year Home Star Retrofit rebate program. Second is the Home Star energy efficiency loan program which stands up a

financing mechanism to encourage energy efficiency home retrofits after the completion of the rebate program.

The Home Star retrofit rebate program provides for two tracks for home retrofit projects: the Silver Star program and the Gold Star program. Home retrofit projects have traditionally been hindered by consumer uncertainty about what measures are cost effective and certain to produce savings when installed. The Silver Star program addresses this problem by describing a menu of specific energy-saving technologies that are known to be widely available on the national market and highly cost-effective when installed as prescribed by their manufacturers. Under the bill, specific rebates are available for the installation of such measures, reflecting 50% of their cost to the homeowner, up to a maximum of \$3,000, for a total retrofit representing an investment of \$6,000 or more.

Another impediment to home retrofitting has been the lack of public awareness of the benefits of whole-house energy analysis techniques. This approach to retrofitting involves determining the most cost-effective set of combined measures to improve a building's overall efficiency. The Gold Star program promotes the use of this approach by offering rebates for whole-home retrofit projects that use whole-house analysis tools designated by the Secretary to achieve an energy efficiency improvement of 20% or more, with a \$3,000 initial rebate for combined measures that reach a 20% overall level of improvement, and an additional \$1,000 rebate available for each additional 5% overall improvement, to a maximum of \$8,000. A rebate under the Gold Star program cannot represent more than 50% of the total cost of the retrofit project.

The Home Star retrofit rebate program reflects that policy that home energy efficiency retrofit practice should evolve toward the whole-house analysis model as opposed to the less effective measure-by-measure approach. Rebate levels available for the Gold Star program are higher than the Silver Star program. Additionally, the Silver Star program expires one year after enactment, while the Gold Star program continues for the second year. Two-thirds of the intended federal funding, however, is directed for the Silver Star rebates in the first year, with the expectation that consumers will be quick to take advantage of such savings on such items.

The Home Star bill includes a number of provisions designed to address the administrative challenge of processing rebates for thousands of contractors performing retrofits in millions of homes. Home Star would operate through a central data base and rebate processing center to which all rebate claims will be submitted. A percentage of these claims would be selected for quality assurance. In addition, the bill provides for tight but realistic timeframes for processing rebate applications and distributing federal resources to qualified contractors, with the goal of making contractors whole for the discounts they must offer within 30 days of rebate applications.

The legislation also includes a number of provisions designed to ensure quality and cost effectiveness in the Home Star program. The bill includes incentives for contractors to become accredited by the Building Performance Institute or other programs recognized by the Secretary of Energy in order to participate in Gold Star whole-home retrofit projects. The bill also provides incentives for

encouraging contractors to employ workers trained and certified to perform retrofit work and installation. In addition, because of the significant unemployment and need for marketable skills in relatively low-income areas, the legislation encourages training and hiring efforts in such areas.

The bill offers to states funding to create quality assurance programs to assign and supervise spot-checks confirming that appropriate products are used in retrofits designed for optimum savings of energy. Under the bill, the Secretary of Energy would pay quality assurance providers to inspect a percentage of finished projects and confirm that Silver Star and Gold Star rebates have been paid appropriately. Those states that elect to create quality assurance programs to support Home Star would also develop quality assurance frameworks to recognize the accredited contractors that are using certified workforces with appropriate training and proven skills.

The legislation also responds to the need for flexible financing support for home energy retrofit activities at a time when consumer credit terms are very tight and banks are constrained in consumer lending. The Home Star energy efficiency loan program provides (1) seed funding to states that they can use to provide loans at lower interest rates; (2) revolving-fund loans; and (3) loans that are tied to the property through tax payment or utility-bill recovery such that any homeowner can pass the obligation along with the property to a new owner.

Legislative History

Prior to the introduction of H.R. 5019, on March 18, 2010, the Subcommittee on Energy and Environment held a hearing on proposed legislation to provide for the establishment of a Home Star Retrofit Rebate program. The Subcommittee received testimony from the Honorable Cathy Zoi, Assistant Secretary for Energy Efficiency and Renewable Energy, U.S. Department of Energy (DOE); Mr. Larry Laseter, President of WellHome, on behalf of the Home Star Coalition; the Honorable John Engler, President and Chief Executive Officer, the National Association of Manufacturers; Mr. Michael Thaman, Chairman and Chief Executive Officer, Owens Corning; and Mr. Christopher A.S. Pratt, on behalf of the National Association of Home Builders.

On March 24, 2010, the Subcommittee on Energy and Environment met in open markup session to consider a Committee Print dated March 22, 2010, on H.R. ____, a bill to provide for the establishment of a Home Star Retrofit Rebate Program, and for other purposes. A manager's amendment in the nature of a substitute was offered by Mr. Markey and adopted by a voice vote, amended. Several amendments were offered to the manager's amendment during subcommittee consideration and three amendments were adopted by a voice vote. Subsequently, the Subcommittee voted to forward the Committee Print, amended, to the full Committee by a voice vote.

On April 14, 2010, H.R. 5019 was introduced by Rep. Welch of Vermont, along with Reps. Waxman, Markey, Cardoza (D-CA), and Ehlers (R-MI), and was referred to the Committee on Energy and Commerce. The text of the bill as introduced was identical to the

text of the Committee Print approved by the Subcommittee on March 24, 2010.

On April 15, 2010, the full Committee met in open markup session to consider H.R. 5019. A manager's amendment in the nature of a substitute offered by Mr. Waxman was adopted, as amended by four other amendments offered to the substitute. Subsequently, the Committee ordered H.R. 5019 favorably reported to the House, amended, by a rollcall vote of 30–17.

On April 29, 2010, the Committee on Energy and Commerce filed the House report on H.R. 5019 (H. Rept. 111–469, Part 1).

On May 6, 2010, H.R. 5019 was passed by the House, amended, by a rollcall vote of 246–161.

On May 7, 2010, H.R. 5019 was received by the Senate and read twice and referred to the Senate Committee on Finance.

No further action was taken on H.R. 5019 during the 111th Congress.

GRID RELIABILITY AND INFRASTRUCTURE DEFENSE ACT

H.R. 5026 (H.R. 2165, S. 1462)

To amend the Federal Power Act to protect the bulk-power system and electric infrastructure critical to the defense of the United States against cybersecurity and other threats and vulnerabilities.

Summary

H.R. 5026 amends the Federal Power Act to add a new section 215A, giving FERC new authorities to protect the electric grid against cyber and other threats and vulnerabilities.

The bill gives FERC the authority to issue emergency orders if the President notifies the Commission that a “grid security threat” exists. A grid security threat is a substantial likelihood of a cyber attack, electromagnetic weapon attack, a geomagnetic storm, or a direct physical attack on the bulk-power system or defense critical electric infrastructure that would have a significant adverse effect on the reliability of the bulk-power system or defense critical electric infrastructure. (Defense critical electric infrastructure is defined as electric infrastructure outside the bulk-power system that serves a facility designated by the President as critical to the defense of the United States.) An emergency order is discontinued when the President determines the grid security threat no longer exists, FERC determines the emergency measures are no longer needed to protect against the threat, or one year elapses from the date the order was issued.

H.R. 5026 gives FERC, after notice and opportunity for comment, authority to require measures to protect against grid vulnerabilities to cyber and electromagnetic weapon attacks if FERC determines that NERC reliability standards do not adequately address such vulnerabilities. Before promulgating such a rule or issuing such an order to address a grid security vulnerability, FERC, to the extent practicable in light of the urgency of the need for action, is required to request and consider recommendations from NERC regarding such a rule or order. FERC may establish an appropriate deadline for NERC's submission of

such recommendations. If NERC later submits an adequate standard, the corresponding FERC standard must be rescinded.

The bill also requires FERC to direct NERC to submit under section 215 for FERC approval reliability standards (1) to protect the bulk power infrastructure against geomagnetic storms and (2) to require adequate availability of large transformers to ensure the reliability of the bulk power system in the event of a physical or other attack or a geomagnetic storm. The large transformer standard must allow compliance entities to choose to comply either individually or jointly (e.g., through a spare transformer sharing program). Both standards must balance risks and the cost of protecting against those risks.

FERC is also required, within 180 days of enactment, to promulgate a rule or issue an order requiring measures to address the “Aurora vulnerability” to cyber attack that was identified three years ago.

The bill directs the President to designate not more than 100 facilities located in the United States that are the most critical to the defense of the United States and most vulnerable to interruption of an external supply of electricity to the facility. If FERC identifies a vulnerability in electric infrastructure serving such facilities to a cyber or electromagnetic weapon attack that has not adequately been addressed, FERC has authority to require measures to protect such infrastructure. Infrastructure can be exempted from this authority, on a case-by-case basis, if FERC, in consultation with the owner or operator of the designated critical facility, determines that such infrastructure is adequately protected.

H.R. 5026 also includes provisions to protect sensitive information and provide for Department of Energy assistance to industry in protecting the grid and obtaining information regarding grid security threats and vulnerabilities.

Legislative History

On April 29, 2009, H.R. 2165, the Bulk Power System Protection Act of 2009, was introduced by Rep. Barrow of Georgia, along with Reps. Waxman and Markey. On October 27, 2009, the Subcommittee on Energy and Environment held a legislative hearing on this bill and related legislation. The Subcommittee received testimony from: Mr. Joseph McClelland, Director of the Office of Electric Reliability, Federal Energy Regulatory Commission (FERC); the Honorable Patricia Hoffman, Principal Deputy Assistant Secretary for the Office of Electricity, U.S. Department of Energy (DOE); the Honorable Gary A. Brown, Chairman of the New York Public Service Commission; Mr. David Cook, Vice President and General Counsel, North American Electric Reliability Corporation (NAERC); and Mr. John DiStasio, General Manager and Chief Executive Officer, Sacramento Municipal Utility District (SMUD). In preparation for that hearing, the Subcommittee convened a classified briefing on grid security vulnerabilities and threats for members of the full Committee on Energy and Commerce and staff with appropriate clearances.

After the hearing, the majority and minority staffs of the Subcommittee and full Committee joined in a bipartisan effort to de-

velop grid security legislation. The results of this effort were embodied in a Committee print, dated March 22, 2010.

On March 24, 2010, the Subcommittee on Energy and Environment met in open markup session to consider a Committee Print dated March 22, 2010, on H.R. _____, to amend the Federal Power Act to protect the bulk-power system and electric infrastructure critical to the defense of the United States from cybersecurity and other threats and vulnerabilities. Subsequently, the Subcommittee approved the text of the Committee Print to be forwarded to the full Committee, without amendment, by a voice vote.

On April 14, 2010, H.R. 5026 was introduced by Reps. Markey and Upton, and was referred to the Committee on Energy and Commerce. The text of the bill as introduced was identical to the text of the Committee Print approved by the Subcommittee on March 24, 2010.

On April 15, 2010, the full Committee met in open markup session to consider H.R. 5026. A manager's amendment in the nature of a substitute by Mr. Waxman was adopted by a voice vote. Subsequently, the Committee ordered H.R. 5026 favorably reported to the House, amended, by a rollcall vote of 47-0.

On May 25, 2010, the Committee on Energy and Commerce filed the House report on H.R. 5026 (H. Rept. 111-493).

On June 9, 2010, H.R. 5026 was considered by the House under suspension of the rules and passed, as amended, by a voice vote.

On June 10, 2010, H.R. 5026 was received by the Senate and read twice and referred to the Senate Committee on Energy and Natural Resources.

On August 5, 2010, the Senate Committee on Energy and Natural Resources met in open markup session to consider H.R. 5026 as passed by the House. The Committee approved an amendment in the nature of a substitute by a voice vote. The Committee amendment included provisions of S. 1462, the "American Clean Energy Leadership Act of 2009", which was ordered favorably reported to the Senate on June 17, 2009. Subsequently, the Committee ordered H.R. 5026 favorably reported to the Senate, amended, by a voice vote.

On September 27, 2010, the Senate Committee on Energy and Natural Resources filed the Senate report on H.R. 5026 (S. Rept. 111-331).

No further action was taken on H.R. 5026 during the 111th Congress.

COLLINSVILLE RENEWABLE ENERGY PROMOTION ACT

H.R. 4451 (H.R. 3228, S. 3532)

To reinstate and transfer certain hydroelectric licenses and extend the deadline for commencement of construction of certain hydroelectric projects.

Summary

H.R. 4451 authorizes the Federal Energy Regulatory Commission (FERC) to reinstate the terminated licenses for the Upper and Lower Collinsville Dams hydroelectric projects and to extend for two years the date by which the licensee is required to commence

construction. If FERC exercises this authority for either of the two licenses, the bill requires FERC to transfer such license to the Town of Canton. Before taking these actions, the bill requires FERC to complete an environmental assessment for the projects to update the environmental analysis that was previously performed.

After a 30-day public comment period, FERC is required to consider the public comments on the environmental assessment and incorporate terms and conditions in the reinstated licenses that FERC determines are necessary based on the public comments. FERC is required to make a final decision regarding the reinstatement within 270 days of the date of enactment of the Act. If FERC reinstates the licenses and extends the deadline for commencing construction, the transfer of the licenses to the Town of Canton must also take place within 270 days of the date of enactment of the Act.

Legislative History

On January 13, 2010, H.R. 4451 was introduced by Rep. Christopher Murphy of Connecticut, and referred to the Committee on Energy and Commerce.

On January 15, 2010, H.R. 4451 was referred to the Subcommittee on Energy and Environment.

On March 24, 2010, the Subcommittee on Energy and Environment met in open markup session. H.R. 4451 was forwarded to the full Committee, without amendment, by a voice vote.

On May 26, 2010, the full Committee met in open markup session to consider H.R. 4451 as approved by the Subcommittee on Energy and Environment. An amendment in the nature of a substitute, offered by Mr. Murphy, was adopted by a voice vote. Subsequently, H.R. 4451 was ordered favorably reported, amended, to the House by a voice vote.

On June 14, 2010, the Committee on Energy and Commerce filed the House report on H.R. 4451 (H. Rept. 111–505).

On June 16, 2010, H.R. 4451 was considered by the House under suspension of the rules and passed, as amended, by a voice vote.

On June 17, 2010, H.R. 4451 was received by the Senate and read twice and referred to the Senate Committee on Energy and Natural Resources.

On June 24, 2010, S. 3532, companion legislation identical to H.R. 4451 as passed by the House, was introduced by Senators Dodd (D–CT) and Lieberman (I–CT). That same day, S. 3532 was referred to the Senate Committee on Energy and Natural Resources.

No further action was taken on H.R. 4451 or S. 3532 during the 111th Congress.

ASSISTANCE, QUALITY, AND AFFORDABILITY (AQUA) ACT OF 2010

H.R. 5320 (H.R. 5289)

To amend the Safe Drinking Water Act to increase assistance for states, water systems, and disadvantaged communities; to encourage good financial and environmental management of water systems; to strengthen the Environmental Protection Agency's ability to enforce the requirements of the Act; to reduce lead in drinking

water; to strengthen the endocrine disruptor screening program; and for other purposes.

Summary

H.R. 5320 is a bill to amend the Safe Drinking Water Act (SDWA) to authorize increased assistance to states, water systems, and disadvantaged communities, encourage improved financial and environmental management of water systems, provide the Environmental Protection Agency (EPA) with additional tools for enforcement, reduce lead in drinking water fixtures and piping, and amend the Endocrine Disruptor Screening Program (EDSP) for chemicals in drinking water.

The bill reauthorizes and increases the authorization levels for the drinking water state revolving fund (SRF) and technical assistance for small systems. It adds projects designed to improve the sustainability and long-term viability of water systems to the list of priorities that should inform state funding decisions and encourages public water systems to improve their managerial capacity and reduce their environmental impact. It provides priority for SRF funds for water systems serving disadvantaged communities that cannot afford to comply with new drinking water standards and requires states to provide additional assistance to water systems serving disadvantaged communities and struggling to comply with existing drinking water standards.

The bill also changes the legal definition of “lead-free” for pipes and fixtures from 8% lead to 0.25% lead in wetted surfaces. It increases the funding available to the territories for drinking water infrastructure. It provides additional tools for enforcement of the Safe Drinking Water Act by clarifying requirements for technical assistance and follow-up inspections and amends the Endocrine Disruptor Screening Program for chemicals in drinking water by outlining transparent procedures for requiring testing and updating methods.

Legislative History

On May 13, 2010, the Subcommittee on Energy and Environment held a legislative hearing on proposed legislative language to reauthorize the Safe Drinking Water Act state revolving fund. At this hearing, witnesses representing rural and metropolitan water systems, and state administrators testified on the SRF-related portions of the legislation. The Subcommittee also received testimony on the provisions related to the Endocrine Disruptor Screening Program (EDSP) from Sarah Janssen, representing the Natural Resources Defense Council, and Terry Quill, of Quill Law Group. Cynthia Dougherty, Director of the U.S. Environmental Protection Agency (EPA) Office of Ground Water and Drinking Water, offered testimony on all provisions of the bill.

On May 18, 2010, H.R. 5320 was introduced by Reps. Waxman and Markey, and subsequently referred to the Committee on Energy and Commerce. That same day, the bill was referred to the Subcommittee on Energy and Environment.

On May 19, 2010, the Subcommittee on Energy and Environment met in open markup session to consider H.R. 5320. A manager’s amendment in the form of an amendment in the nature of a sub-

stitute offered by Mr. Markey was adopted, amended, by a voice vote. H.R. 5320 was then favorably forwarded to the full Committee, amended, by a rollcall vote of 18–13.

On May 26, 2010, the full Committee met in open markup session to consider H.R. 5320 as approved by the Subcommittee. A manager’s amendment in the form of an amendment in the nature of a substitute offered by Mr. Waxman was adopted, amended, by a voice vote. Subsequently, the Committee ordered H.R. 5320 favorably reported to the House, amended, by a rollcall vote of 45–1.

On July 1, 2010, the Committee on Energy and Commerce filed the House report on H.R. 5320 (H. Rept. 111–524).

On July 30, 2010, the House considered H.R. 5320 under suspension of the rules and passed, as amended, by a voice vote.

On August 2, 2010, the Senate received H.R. 5320 and on August 5, 2010, the bill was referred to the Senate Committee on Environment and Public Works.

No further action was taken on H.R. 5320 during the 111th Congress. Provisions in this bill relating to reduction in lead in drinking water were enacted under S. 3874/H.R. 5289.

BLOWOUT PREVENTION ACT OF 2010

H.R. 5626

To protect public health and safety and the environment by requiring the use of safe well control technologies and practices for the drilling of high-risk oil and gas wells in the United States, and for other purposes.

Summary

H.R. 5626 establishes new federal regulatory requirements to prevent future spills from oil and gas wells. These new requirements apply to all oil and gas wells on the Outer Continental Shelf (OCS) and to other high-risk wells that could cause extensive and widespread harm to public health and safety or the environment in the event of a blowout.

To ensure greater accountability, the bill requires the oil company CEO to certify that the well design is safe, that the blowout preventer (BOP) has redundant systems for all foreseeable blowout scenarios and failure modes, and that the company can promptly control and stop a blowout if the BOP and other well control measures fail.

The Committee’s investigation of the April 2010 explosion on Deepwater Horizon rig contracted by BP to drill for oil revealed multiple flaws in BP’s BOP, including emergency controls that did not activate, dead batteries, leaking hydraulic systems, and disconnected rams. To increase the reliability of this essential safety device, H.R. 5626 sets minimum standards for BOPs, including the requirement that the BOP have two sets of blind shear rams and redundant emergency backup control systems that can activate when communications from the rig are severed.

To ensure wells are drilled with the highest possible safety standards, the bill requires the installation of at least three barriers across each hydrocarbon flow path, the installation and pressure testing of lockdown devices, adequate centralization of casing,

the circulation of drilling fluids prior to cementing, and cement bond logs for all cementing programs intended to provide a barrier to hydrocarbon flow. New standards will also require steps to minimize the risk of ignition of hydrocarbons during a blowout or well control event. In addition, oil companies are required to maintain a team of experienced and highly qualified engineers to advise the well operator on safety.

To ensure compliance with the new requirements, H.R. 5626 requires that BOPs, well designs, and cementing procedures be certified as safe by independent, third-party inspectors selected by the federal regulator, not the oil company.

H.R. 5626 protects whistleblowers that raise safety concerns and establishes requirements for well operators and contractors to stop work when there are conditions indicating an immediate risk of a blowout.

The legislation also establishes significant civil and criminal penalties for violations, including criminal fines of up to \$10,000,000 per day for knowing and willful violations.

The bill establishes an independent Well Control Technical Advisory Committee to review proposed regulations, respond to requests for advice from the federal officials, assess implementation, and provide periodic reports assessing available well control technologies and practices.

H.R. 5626 also provides the Chemical Safety and Hazard Investigation Board with unrestricted access to personnel and records in investigating oil spills.

The provisions of the Act apply to (1) all wells on the OCS and (2) other wells if they could cause extensive and widespread impacts in the event of a blowout and are not effectively regulated by the state. For wells drilled on the OCS, the federal regulator has the responsibility to enforce the provisions of the Act. For wells drilled offshore in state waters that could cause extensive and widespread impacts, the state has the responsibility to enforce the provisions of the Act or comparable provisions, unless the state lacks an adequate regulatory regime, in which case the federal regulator enforces the provisions. For wells drilled on land that could cause extensive and widespread impacts, the state or the federal government has the primary responsibility to regulate the wells effectively, depending on where the wells are located.

Legislative History

On June 29, 2010, H.R. 5626 was introduced by Chairmen Waxman, Markey, and Stupak, and subsequently referred to the Committee on Natural Resources, and in addition to the Committee on Energy and Commerce.

On June 30, 2010, H.R. 5626 was referred to the Subcommittee on Energy and Environment. That same day, the Subcommittee held a legislative hearing on H.R. 5626. The Subcommittee received testimony from the Honorable David J. Hayes, Deputy Secretary of the Interior; Mr. John Martinez, Consulting Production Engineer, Production Associates; and Mr. Elgie Holstein, Senior Director for Federal Strategy, Environmental Defense Fund.

On July 15, 2010, the Committee on Energy and Commerce met in open markup session to consider H.R. 5626, discharging the Sub-

committee from further consideration. A manager's amendment in the form of an amendment in the nature of a substitute was offered by Mr. Waxman. The Committee adopted several amendments to the manager's amendment by voice votes, and then agreed to the amendment in the nature of a substitute, as amended, by a voice vote. Subsequently, H.R. 5626 was ordered favorably reported to the House, amended, by a rollcall vote of 48–0 with 1 member voting "present."

On July 29, 2010, the Committee on Energy and Commerce filed the House report on H.R. 5626 (H. Rept. 111–581, Part 1).

Key provisions of H.R. 5626 were incorporated into H.R. 3534, the Consolidated Land, Energy, and Aquatic Resources (CLEAR) Act of 2009, a bill reported by the House Committee on Natural Resources. On July 30, 2010, the House passed H.R. 3534, as amended, by a rollcall vote of 209–193 with 1 member voting "present." H.R. 3534 was received by the Senate and placed on the Senate Legislative Calendar on August 3, 2010. It was then read a second time and placed on the Senate Legislative Calendar under General Orders.

No further action was taken on H.R. 5626 or H.R. 3534 during the 111th Congress.

RESOLUTION OF INQUIRY

(H. Res. 449)

Resolution of inquiry requesting the President to provide certain documents in his possession to the House of Representatives relating to the Environmental Protection Agency's April 2009 proposed finding that greenhouse gas emissions are a danger to public health and welfare, having considered the same, report thereon without amendment and without recommendation.

Summary

H. Res. 449 requests the President to transmit to the House of Representatives, not later than 14 days after adoption of the resolution, all documents in his possession produced by the Administrator of the Environmental Protection Agency (EPA) or the Director of the Office of Management and Budget relating to: (1) The untitled, undated memo marked "Deliberative—Attorney Client Privilege," which begins "The NPRM fails to articulate the process by which the Administrator came to the conclusion on p. 30"; (2) Inter-agency comments or documents related to the Environmental Protection Agency's April proposed finding that greenhouse gas emissions are a danger to public health and welfare; (3) Cost benefit or systematic risk analysis related to the Environmental Protection Agency's April proposed finding that greenhouse gas emissions are a danger to public health and welfare; (4) Scientific evidence or opinion that demonstrates health effects of greenhouse gases.

Legislative History

On May 15, 2009, H. Res. 449 was introduced by Rep. Sensenbrenner of Wisconsin and referred to the Committee on Energy and Commerce.

On June 10, 2009, the Committee on Energy and Commerce met in open markup session to consider H. Res. 449. The Committee ordered the resolution to be reported to the House without amendment and without recommendation by a voice vote.

On June 12, 2009, the Committee on Energy and Commerce filed the House report on H. Res. 449 (H. Rept. 111–146).

No further action was taken on H. Res. 449 during the 111th Congress.

RESOLUTION OF INQUIRY

(H. Res. 1466)

Resolution of inquiry requesting the President and directing the Secretary of Energy to provide certain documents to the House of Representatives relating to the Department of Energy's application to foreclose use of Yucca Mountain as a high level nuclear waste repository.

Summary

H. Res 1466 would request the President and direct the Secretary of Energy to produce, not later than 14 days after adoption of the resolution, all documents in possession of the Secretary of Energy or Director of the Office of Management and Budget related to (1) the Department of Energy's (DOE's) motion to withdraw its licensing application for the Yucca Mountain repository, (2) the elimination of funding for Yucca Mountain, (3) DOE's reprogramming of fiscal year 2010 funds to bring the Yucca Mountain project to an orderly close, (4) DOE's discontinuation of monitoring and data collection at the Yucca Mountain site, and (5) DOE's efforts to preserve documents supporting its Yucca Mountain license application.

Legislative History

On June 22, 2010, H. Res. 1466 was introduced by Rep. Sensenbrenner of Wisconsin and referred to the Committee on Energy and Commerce.

On July 17, 2010, the Committee on Energy and Commerce met in open markup session to consider H. Res. 1466. The Committee ordered the resolution to be reported to the House without amendment and without recommendation by a voice vote.

On July 19, 2010, the Committee on Energy and Commerce filed the House report on H. Res. 1466 (H. Rept. 111–550).

No further action was taken on H. Res. 1466 during the 111th Congress.

OVERSIGHT ACTIVITIES

IMPACTS OF H.R. 3795, THE OVER-THE-COUNTER DERIVATIVES MARKETS ACT OF 2009, ON ENERGY MARKETS

On December 2, 2009, the Subcommittee on Energy and Environment held an oversight hearing on the impacts of H.R. 3795, the Over-the-Counter Derivatives Markets Act of 2009, on Energy Markets. The hearing examined the impact of potential Commodity Futures Trading Commission (CFTC) regulation on organized energy

markets currently regulated by the Federal Energy Regulatory Commission (FERC), both under current law and under the provisions of H.R. 3795. At the time of the hearing, the bill had recently been reported by the House Agriculture and Financial Services Committees.

The hearing examined concerns that the broad definition of “swap” in H.R. 3795 would significantly disrupt transmission and electricity markets by creating the potential for conflicting or duplicative regulation by the CFTC. The Subcommittee heard testimony regarding concerns that the definition of “swap” potentially subjects a number of FERC-regulated markets to CFTC regulation and, by application of the exclusive jurisdiction provision of the Commodity Exchange Act, could strip FERC of its regulatory authority and its ability to ensure “just and reasonable” prices. The Subcommittee also examined the question of whether H.R. 3795 could undermine authorities that Congress gave FERC in the aftermath of the California energy crisis to prevent, investigate, and penalize market manipulation.

The Subcommittee heard testimony from the Chairman of the Federal Energy Regulatory Commission and the Chairman of the Commodity Future Trading Commission. The Subcommittee received further testimony from the Edison Electric Institute, the American Public Power Association, the National Rural Electric Cooperative Association, the Electric Power Supply Association, and PJM Interconnection, Inc. Each of the witnesses addressed the potential for regulatory duplication or conflict, impacts on FERC’s existing regulatory authority, and impacts on the functioning of FERC-regulated energy markets, including those operated by Regional Transmission Organizations and Independent System Operators.

COAL COMBUSTION WASTE DISPOSAL

On December 10, 2009, the Subcommittee on Energy and Environment held an oversight hearing to examine the safe drinking water and health impacts associated with current coal combustion waste disposal practices. Coal-fired power plants generate over 130 million tons of coal combustion waste each year, the second largest single waste stream in the United States. Despite containing hazardous constituents, coal combustion waste is exempt from federal hazardous waste management regulation. At the time of the hearing, the Environmental Protection Agency was preparing a proposed rule regulating coal combustion waste disposal.

The hearing reviewed the regulatory status of coal combustion waste as well as the negative health and drinking water consequences associated with current disposal practices. The Subcommittee heard testimony from three citizens whose health and drinking water were negatively impacted by coal combustion waste disposal. The Subcommittee received further testimony from Earthjustice, the Electric Power Research Institute, an expert in public health policy, and a practicing physician.

THE EXXONMOBIL-XTO MERGER: IMPACTS ON U.S. ENERGY MARKETS

On January 20, 2010, the Subcommittee on Energy and Environment held an oversight hearing to examine the proposed merger of

ExxonMobil Corporation and XTO Energy Inc., and the ramifications for U.S. oil and natural gas markets.

The purpose of the hearing was to examine the intended merger of two of the largest players in the U.S. oil and gas exploration and production market. The proposed ExxonMobil-XTO merger would create the largest natural gas producer in the United States with the largest base of domestic natural gas reserves in the industry. The new entity would leverage XTO's significant experience and technical expertise in development of unconventional natural gas deposits to create a new international unconventional resource division within the merged company's exploration and production business segment. XTO's specialization in unconventional onshore gas production, especially its experience with hydraulic fracturing, was considered to be a key component in the merger agreement. The Subcommittee heard testimony from the Chairman and CEO of ExxonMobil Corporation, and the Chairman of the Board and Founder of XTO Energy, Inc.

ENDOCRINE DISRUPTING CHEMICALS IN DRINKING WATER

On February 25, 2010, the Subcommittee on Energy and Environment held an oversight hearing to examine the science and regulation of endocrine disruptors that may be found in sources of drinking water. The hearing reviewed the progress of the Environmental Protection Agency (EPA) in screening contaminants for their potential to disrupt the human endocrine system under the Endocrine Disruptor Screening Program (EDSP). EPA issued the first test orders for the program in October of 2009, selecting 67 pesticide chemicals to undergo the first round of testing. The Deputy Assistant Administrator in EPA's Office of Prevention, Pesticides and Toxic Substances testified that EPA is on track to obtain endocrine screening data on several hundred chemicals within the next several years.

The hearing also focused on the state of the science and ongoing research on endocrine disrupting chemicals. The Director of the National Institute for Environmental Health Sciences testified that even low exposures to endocrine disruptors can have effects on the body, and that these effects can be observed long after exposure has ceased. The Subcommittee also heard testimony from the Natural Resources Defense Council and the president of a toxicological consulting firm.

OVERSIGHT OF THE FEDERAL ENERGY REGULATORY COMMISSION

On March 23, 2010, the Subcommittee on Energy and Environment held an oversight hearing on the Federal Energy Regulatory Commission (FERC). The hearing examined how the FERC was implementing its statutory duties and authorities. The Subcommittee received testimony from the Federal Energy Regulatory Commission members: Chairman Jon Wellenough, Commissioner Marc Spitzer, Commissioner Philip Moeller, and Commissioner John Norris. FERC initiatives discussed by the witnesses included: integration of renewable resources into the power system; implementation of smart grid and energy storage technologies and systems; promotion of demand response measures; development of electric transmission, including planning, siting, and cost-allocation; over-

sight and protection of the electricity and natural gas markets against fraud or manipulation; promotion of just and reasonable rates and fair competition in electricity and natural gas markets; and protecting the security of the grid against cyber security threats and other vulnerabilities.

CLEAN ENERGY POLICIES THAT REDUCE OUR DEPENDENCE ON OIL

On April 28, 2010, the Subcommittee on Energy and Environment held an oversight hearing on clean energy policies that reduce U.S. dependence on oil. The hearing examined the U.S. Environmental Protection Agency's policies that reduce our dependence on oil, including motor vehicle tailpipe greenhouse gas standards and associated endangerment finding. The impact of oil dependence on our economy and national security and how EPA regulations and future policies can reduce that dependence were also discussed in the hearing.

The Subcommittee heard from a panel of both governmental and stakeholder witnesses. The EPA Administrator delivered testimony on regulations that reduce our dependence on oil, including tailpipe standards, the renewable fuels standard, and the EPA's endangerment finding. The President of the National Petrochemical and Refiners Association also provided testimony on the recent EPA regulations. The Chairman, President, and CEO of FedEx Corporation discussed the impact of oil dependence on our economic and national security, and ways that the U.S. might reduce its dependence on oil as a transportation fuel. The Vice President for North America of Better Place commented on the economic and national security benefits of the electrification of transportation systems. A Security Fellow at the Truman National Security Project delivered testimony on the impacts of our reliance on oil on national security and our armed forces.

BP OIL SPILL

On April 20, 2010, the Deepwater Horizon, an oil rig contracted by BP to drill a deepwater well in the Gulf of Mexico, exploded. Eleven people died and 15 were injured. After a second explosion on April 22, 2010, the Deepwater Horizon sank, and on April 24, 2010, remotely operated vehicles (ROVs) confirmed that the oil was spewing from the site into the Gulf of Mexico.

A total of four member-level briefings were convened by the Subcommittee on Energy and Environment: (1) a May 4, 2010, briefing by representatives from BP, Transocean, and Halliburton for members and staff regarding the ongoing events and response; (2) a May 19, 2010, briefing titled "Sizing up the BP Oil Spill: Science and Engineering Measuring Methods;" (3) a May 21, 2010, briefing titled "Oceans Under Siege: Environmental Impacts of the BP Oil Spill;" (4) a June 9, 2010, briefing titled "Beneath the Surface of the BP Spill: What's Happening Now, What's Needed Next."

The Subcommittee on Energy and Environment held a series of five oversight hearings on the explosion of the Deepwater Horizon oil drilling rig and subsequent spill.

On May 27, 2010, the Subcommittee held a hearing titled "Combating the BP Oil Spill." The hearing examined the ongoing response to the spill. The Subcommittee received testimony from rep-

representatives of EPA, the National Oceanic and Atmospheric Administration (NOAA), the Department of the Interior (DOI), the Army (Civil Works), and the United States Coast Guard (USCG) on behalf of the Unified Area Command.

On June 10, 2010, the Subcommittee held a hearing titled “The BP Oil Spill: Human Exposure and Environmental Fate.” The hearing examined the potential impacts to humans and the environment associated with the spill. The Subcommittee received testimony from a number of scientists and academics from: the Department of Marine and Geochemistry at the Woods Hole Oceanographic Institution; the Louisiana State University Health Services Center-New Orleans, School of Public Health; and the Natural Resources Defense Council.

On June 15, 2010, the Subcommittee held a hearing titled “Drilling Down on America’s Energy Future: Safety, Security and Clean Energy.” The Subcommittee received testimony from the top executives of the five largest oil companies: ExxonMobil, Chevron, ConocoPhillips, Shell Oil Co., and BP America, Inc. Each of the witnesses discussed the impacts of the nation’s dependence on oil; the safety of drilling operations especially those associated with the oil spill in the Gulf of Mexico; and actions to develop and promote the use of renewable and alternative energy sources that can reduce our overall dependence on oil.

On July 20, 2010, the Subcommittee held a joint hearing with the Subcommittee on Oversight and Investigations on “The Role of the Interior Department in the Deepwater Horizon Disaster.” Testimony was received from past and present Secretaries of the Interior. The hearing examined DOI’s role in the regulation of deepwater drilling prior to the disaster, and DOI’s actions to respond to the spill.

On August 19, 2010, the Subcommittee held a hearing titled “The BP Oil Spill: Accounting for the Spilled Oil and Ensuring the Safety of Seafood from the Gulf.” The hearing examined potential impacts to the marine environment and fisheries that are associated with the spill and its cleanup. The Subcommittee received testimony from two panels of witnesses, representing government agencies, scientists, and members of the seafood industry. The first panel included: the Senior Scientist in the Office of Response and Restoration at NOAA; the Assistant Administrator in the Office of Research and Development at EPA; and the Acting Deputy Director at the Center for Food Safety and Applied Nutrition at the Food and Drug Administration (FDA). The second panel included: a professor of Oceanography at Florida State University; the Chief Executive Officer of Motivati Seafood, LLC; the Vice President of the Louisiana Shrimpers Association; the President of Dean Blanchard Seafood, Inc.; and the Senior Scientist with the Oceans Programs at the Natural Resources Defense Council.

The subcommittee also sent a total of 46 letters regarding the Deepwater Horizon rig, the Macondo well spill and response. Of the 46 letters sent by the subcommittee 25 went to BP, 8 went to other oil companies, and 13 letters went to a variety of federal agencies and commissions. BP received letters from the subcommittee regarding: publicly available live video feeds of the well; flow rate estimates; evidence of an undersea oil plume; access to data and

video for independent scientists; relief well efforts; hurricane response plans; and efforts to stop the flow of oil. The five largest oil companies received letters regarding their Oil Spill Response Plans (OSRPs) for the Gulf of Mexico. The June 15, 2010 hearing revealed that the OSRPs were virtually identical for all five companies, and contained outdated and erroneous information. The EPA, USCG, DOI, the U.S. Government Accountability Office (GAO), the U.S. General Services Administration (GSA), the Federal Trade Commission (FTC), and the National Oil Spill Commission all received letters from the subcommittee. Topics covered by these letters included: the use and safety of oil dispersants; reports of formaldehyde-contaminated trailers being used as living quarters for those aiding in the spill cleanup; the status of thousands of temporarily abandoned wells in the Gulf of Mexico; evolving flow rate estimates; live video feeds, wellbore integrity, and the actions to shut in the Macondo well.

PIPELINE SAFETY OVERSIGHT AND LEGISLATION

On September 23, 2010, the Subcommittee on Energy and Environment held a hearing on pipeline safety oversight and legislation. The hearing addressed the recent pipeline safety incidents and proposals for reauthorization or reform of the pipeline safety statute. The hearing examined several high-profile pipeline incidents that highlighted the issue of pipeline safety, including the July 26, 2010, rupture of the Enbridge line 6B, in Marshall, Michigan; the September 9, 2010, rupture of the Enbridge line 6A, in Romeoville, Illinois; and the September 9, 2010, explosion of a PG&E natural gas pipeline in San Bruno, California.

The Subcommittee heard testimony from Rep. Mark Schauer (D-MI) regarding his legislative proposal: H.R. 6008, the “Corporate Liability and Emergency Accident Notification (CLEAN) Act.” The Subcommittee also received testimony from the Administrator of the Pipeline and Hazardous Materials Safety Administration (PHMSA) on the nature of PHMSA’s oversight of recent incidents, and how those incidents bear on proposals for reform or reauthorization of the pipeline safety statute. The Administrator also provided PHMSA’s technical and policy views on H.R. 6008. The Vice Chairman of the National Transportation Safety Board (NTSB) discussed the status, preliminary findings, and expected process for the investigations of the recent pipeline safety incidents. He also commented on NTSB’s recommendations for reform and reauthorization of the pipeline safety statute.

The Executive Vice President of Enbridge Inc. provided testimony on the causes of recent safety incidents; cleanup and remediation actions taken by Enbridge; compensation of homeowners, residents, and state, local and federal governments; and the steps Enbridge has taken with regard to the improvement of safety. The subcommittee also received testimony from the Vice President of the Pipeline Safety Trust and a number of industry witnesses, who all discussed the extent to which recent pipeline safety incidents bear on proposals for reform or reauthorization of the pipeline safety statute and provided their views on the Administration’s proposal for reauthorization of the pipeline safety statute and on H.R. 6008. The industry witnesses included the President and CEO of

the Interstate Natural Gas Association of America, the President and CEO of the Association of Oil Pipelines, and the Senior Vice President and Chief Operating Officer for the American Gas Association.

HYDRAULIC FRACTURING

The Subcommittee conducted an investigation into hydraulic fracturing, a method of oil and gas extraction in which water, chemicals, and propping agents are pumped into production wells at high pressure. Combined with horizontal drilling techniques, hydraulic fracturing has opened up vast new reserves of natural gas previously thought unattainable. This investigation was not completed prior to adjournment of the 111th Congress.

The widespread adoption of the hydraulic fracturing practice has raised concerns about impacts on human health and the environment, including potential contamination of sources of drinking water. Federal agencies currently do not have access to a full accounting of the types and quantities of chemicals used in hydraulic fracturing fluids, although some states require limited disclosure. Oil and gas exploration and production facilities are exempt from the Toxic Release Inventory reporting requirements, and the Energy Policy Act of 2005 exempted hydraulic fracturing from regulation under the Safe Drinking Water Act unless it involves fracturing fluids that contain diesel.

As Chairman of the House Committee on Oversight and Government Reform, Chairman Waxman wrote to the CEOs of Halliburton, BJ Services, and Schlumberger and requested data on the types and volume of chemicals used in their hydraulic fracturing fluids between 2005 and 2007. The companies provided information which revealed that Halliburton and BJ Services continued to use diesel fuel in their fracturing fluids even after signing a voluntary Memorandum of Agreement with the Environmental Protection Agency in 2003 agreeing not to use diesel fuel in 2003. The responses indicated that the companies also used other potentially dangerous chemicals in hydraulic fracturing fluids.

On February 17, 2010, the Subcommittee sent letters to eight companies engaged in hydraulic fracturing in the United States. The Subcommittee requested the most recent data on the types and quantities of chemicals used in hydraulic fracturing fluids with additional information on whether the companies injected these fluids in, near, or below an underground source of drinking water. The Committee also requested documents related to any allegations that the hydraulic fracturing caused harm to human health or the environment. In addition, the Committee requested information on the chemical contents of water produced from hydraulic fracturing operations and how the companies dispose of this waste. On May 6, 2010, the Subcommittee sent document request letters to six more companies in order to assess a broader range of industry practice.

Using the information provided, the Subcommittee has compiled a detailed account of hydraulic fracturing as currently practiced in the United States. However, the oil and gas service companies were unable to respond to two components of the request: information on whether hydraulic fracturing has been performed in or near under-

ground sources of drinking water and information on the recovery and disposal of water and other fluids that flow back to the surface of the well. To obtain this information, the Subcommittee sent letters to ten oil and natural gas producers in the United States on July 19. Documents have been received in response to this request and are currently under review.

HEARINGS HELD

The Future of Coal Under Climate Legislation.—Hearing on the future of coal under an economy-wide cap on greenhouse gas emissions, including the technologies and policies that may help reduce coal's carbon footprint. Hearing held March 10, 2009. PRINTED, Serial No. 111–10.

Consumer Protection Policies in Climate Legislation.—Hearing on proposals designed to assist consumers under a cap-and-trade system to reduce greenhouse gas emissions. Hearing held March 12, 2009. PRINTED, Serial No. 111–14.

Competitiveness and Climate Policy: Avoiding Leakage of Jobs and Emissions.—Hearing on domestic legislative provisions to prevent the leakage of jobs and carbon emissions from the United States to countries that do not take similar action to curb their greenhouse gas emissions. Hearing held March 18, 2009. PRINTED, Serial No. 111–17.

Preparing for Climate Change: Adaptation Policies and Programs.—Hearing on ongoing adaptation efforts, and potential policies in climate change legislation to assist in those efforts. Hearing held March 25, 2009. PRINTED, Serial No. 111–21.

The American Clean Energy and Security Act of 2009.—Hearings on the views of the Administration and a broad range of stakeholders on the discussion draft. Hearings held April 21–24, 2009. PRINTED, Serial No. 111–29.

Allowance Allocation Policies in Climate Legislation: Assisting Consumers, Investing in a Clean Energy Future, and Adapting to Climate Change.—Hearing on examining allocation policies under the American Clean Energy and Security Act (ACES). Hearing held June 9, 2009. PRINTED, Serial No. 111–44.

The Future of the Grid: Proposals for Reforming National Transmission Policy.—Hearing on proposals for new legislation on transmission planning, cost allocation, and siting authority. Hearing held June 12, 2009. PRINTED, Serial No. 111–48.

H.R. 3276, the American Medical Isotopes Production Act of 2009: Solving the Medical Isotope Crisis.—Legislative hearing on H.R. 3276, the American Medical Isotopes Production Act of 2009. Hearing held September 9, 2009. PRINTED, Serial No. 111–61.

Legislative Hearing on H.R. 3258, the Drinking Water System Security Act of 2009, and H.R. 2868, the Chemical Facility Anti-Terrorism Act of 2009.—Legislative hearing on H.R. 3258, the Drinking Water System Security Act of 2009, and H.R. 2868, the Chemical Facility Anti-Terrorism Act of 2009. Hearing held October 1, 2009. PRINTED, Serial No. 111–68.

Legislative Hearing on H.R. 515, the Radioactive Import Deterrence Act. Hearing held October 16, 2009. PRINTED, Serial No. 111–73.

Protecting the Grid: H.R. 2165, the Bulk Power System Protection Act of 2009, and H.R. 2195.—Legislative hearing on pending bills to address the protection of the electric grid from cyber and other malicious attacks. Hearing held October 27, 2009. PRINTED, Serial No. 111–77.

Impacts of H.R. 3795, the Over-the-Counter Derivatives Markets Act of 2009, on Energy Markets.—Hearing to address the impacts on organized energy markets regulated by the Federal Energy Regulatory Commission (FERC) of H.R. 3795, reported by the House Agriculture and Financial Services Committees. Hearing held December 2, 2009. PRINTED, Serial No. 111–84.

Drinking Water and Public Health Impacts of Coal Combustion Waste.—Hearing to examine the safe drinking water and health impacts associated with current practices for the disposal of coal fly ash. Hearing held December 10, 2009. PRINTED, Serial No. 111–88.

The ExxonMobil-XTO Merger: Impacts on U.S. Energy Markets.—Hearing on the proposed merger of ExxonMobil Corporation and XTO Energy Inc., and the ramifications for U.S. oil and natural gas markets. Hearing held January 20, 2010. PRINTED, Serial No. 111–91.

Endocrine Disrupting Chemicals in Drinking Water: Risks to Human Health and the Environment.—Hearing on the science and regulation of endocrine disruptors that may be found in sources of drinking water. Hearing held February 25, 2010. PRINTED, Serial No. 111–99.

HomeStar: Job Creation through Home Energy Retrofits.—Legislative hearing on proposed legislation to incentivize home energy retrofits and reduce unemployment in the construction and related sectors. Hearing held March 18, 2010. PRINTED, Serial No. 111–105.

Oversight of the Federal Energy Regulatory Commission.—Hearing on how the Federal Energy Regulatory Commission (FERC) is implementing its statutory duties and authorities, focusing on a number of key priorities. Hearing held March 23, 2010. PRINTED, Serial No. 111–107.

Clean Energy Policies That Reduce Our Dependence on Oil.—Hearing on EPA's policies that reduce our dependence on oil, including the recent tailpipe greenhouse gas standards and associated endangerment finding, and the impact of oil dependence on our economy and national security. Hearing held April 28, 2010. PRINTED, Serial No. 111–113.

H.R. _____, the Assistance, Quality, and Affordability Act of 2010.—Legislative hearing on legislation to reauthorize the Safe Drinking Water Act State Revolving Fund, H.R. _____, the "Assistance, Quality, and Affordability Act of 2010" ("AQUA"). Hearing held May 13, 2010. PRINTED, Serial No. 111–125.

Combating the BP Oil Spill.—Hearing on the ongoing response to the oil spill at the Deepwater Horizon drilling rig site that was spreading across the Gulf of Mexico. Hearing held May 27, 2010. PRINTED, Serial No. 111–128.

The BP Oil Spill: Human Exposure and Environmental Fate.—Hearing on some of the potential impacts to humans and the envi-

ronment associated with the spill. Hearing held June 10, 2010. PRINTED, Serial No. 111–132.

Drilling Down on America's Energy Future: Safety, Security and Clean Energy.—Hearing with the top executives of the five largest oil companies, on the impacts of the nation's dependence on oil, the safety of drilling operations and the oil spill at the Deepwater Horizon rig in the Gulf of Mexico, and actions to develop and promote the use of renewable and alternative energy sources that can reduce our overall dependence on oil. Hearing held June 15, 2010. PRINTED, Serial No. 111–134.

Legislation to Respond to the BP Oil Spill and Prevent Future Oil Well Blowouts.—Legislative hearing on proposed legislation to respond to the oil spill at the Deepwater Horizon rig and prevent future oil well blowouts. Hearing held June 30, 2010. PRINTED, Serial No. 111–140.

The Role of the Interior Department in the Deepwater Horizon Disaster.—Hearing on the Interior Department's actions before and since the Deepwater Horizon explosion on April 20, 2010. Hearing held July 20, 2010, jointly with the Subcommittee on Oversight and Investigations. PRINTED, Serial No. 111–145.

The BP Oil Spill: Accounting for the Spilled Oil and Ensuring the Safety of Seafood from the Gulf.—Hearing on the potential impacts to the marine environment and fisheries that are associated with the spill and its cleanup. Hearing held August 19, 2010. PRINTED, Serial No. 111–152.

Pipeline Safety Oversight and Legislation.—Hearing on recent pipeline safety incidents and proposals for reauthorization or reform of the pipeline safety statute. Hearing held September 23, 2010. PRINTED, Serial No. 111–159.

SUBCOMMITTEE ON HEALTH

PUBLIC HEALTH

LEGISLATIVE ACTIVITIES

FAMILY SMOKING PREVENTION AND TOBACCO CONTROL ACT

Public Law 111–31 (H.R. 1256, S. 982)

To protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, and for other purposes.

Summary

The prevalence of tobacco use and its toll on human lives has long been a public health concern. The Food and Drug Administration (FDA) made its first attempt to address the harm caused by tobacco use in 1996. On August 28, 1996, FDA asserted jurisdiction over tobacco products under the authority of the Federal Food, Drug, and Cosmetic Act (FFDCA) and issued a final rule aimed at reducing underage smoking and use of smokeless tobacco products. The tobacco industry challenged this rule in court, claiming that FDA had exceeded its authority. A resulting Supreme Court decision in 2000, while acknowledging that tobacco use posed “perhaps the single most significant threat to public health in the United States,” found that Congress had not given FDA authority over tobacco products as part of the FFDCA.

The Family Smoking Prevention and Tobacco Control Act amends the FFDCA to grant FDA the authority to regulate tobacco products. It gives FDA explicit authority over tobacco products in a new chapter of the FFDCA relating solely to tobacco, and authorizes FDA to regulate tobacco products “as appropriate for the protection of the public health.” This new standard is more appropriate for inherently dangerous tobacco products than the standards of “safe” or “safe and effective,” which apply to other FDA-regulated products.

The law allows the Secretary of the Department of Health and Human Services (HHS) to restrict the sale and distribution of tobacco products, including advertising and promotion, if the Secretary determines that such regulation would be appropriate for the protection of the public health. It also allows the Secretary to take specified actions, including public notification and recall, against unreasonably harmful products.

The law requires the Secretary to establish tobacco product standards to protect the public health, but prohibits the Secretary from banning a class of tobacco products, such as all cigarettes, or reducing the nicotine level to zero. The law sets forth standards for the sale of modified-risk tobacco products and prohibits cigarettes

from containing, as a characterizing flavor, any artificial or natural flavor (other than tobacco or menthol). It sets forth provisions regarding judicial review, coordination with the Federal Trade Commission, congressional review of regulations, and state and local authority. The law also requires the Secretary to establish a Tobacco Products Scientific Advisory Committee.

The law also amends the Federal Cigarette Labeling and Advertising Act to change cigarette warning label and advertising requirements. In addition, it amends the Comprehensive Smokeless Tobacco Health Education Act of 1986 to change smokeless tobacco warning label and advertising requirements. The law requires stronger and more specific health warnings, as well as the eventual incorporation of graphic warnings on cigarette packs, and gives FDA authority to enlarge and enhance them further.

The law grants FDA the authority to strictly regulate so-called “reduced harm” products and to prohibit unproven health claims by tobacco product manufacturers. It prohibits the use of descriptors such as “light”, “mild”, and “low” to characterize the level of a substance in a product in labels or in advertising.

The law provides FDA the authority to require product changes in current and future tobacco products, such as the reduction or elimination of ingredients, additives, and constituents (including smoke constituents). In addition, it requires manufacturers to provide detailed disclosure of ingredients, nicotine levels, and harmful smoke constituents.

Legislative History

On March 3, 2009, H.R. 1256 was introduced in the House by Rep. Waxman of California and was referred to the Committee on Energy and Commerce, and also to the Committee on Oversight and Government Reform. H.R. 1256 was referred to the Subcommittee on Health on March 3, 2009. The full Committee discharged the Subcommittee on Health from consideration on March 4, 2009.

On March 4, 2009, the Committee on Energy and Commerce met in open markup session to consider H.R. 1256. A number of amendments were offered but each one was either withdrawn or defeated by a voice vote. Subsequently, H.R. 1256 was ordered favorably reported to the House without amendment by a rollcall vote of 39–13.

On March 18, 2009, the Committee on Oversight and Government Reform met in open markup session, and H.R. 1256 was ordered favorably reported to the House, amended, by a voice vote.

On March 26, 2009, the Committee on Energy and Commerce filed a House report on H.R. 1256 (H. Rept. 111–58, Part 1). That same day, the Committee on Oversight and Government Reform also filed a House report on H.R. 1256, as amended by that Committee (H. Rept. 111–58, Part 2).

On April 2, 2009, H.R. 1256 was called up in House and passed, amended, by a rollcall vote of 298–112.

H.R. 1256 was received by the Senate on April 2, 2009, and placed on the Senate Legislative Calendar.

On May 5, 2009, S. 982, the Family Smoking Prevention and Tobacco Control Act (companion legislation to H.R. 1256) was intro-

duced by Sen. Kennedy of Massachusetts, and referred to the Senate Committee on Health, Education, Labor, and Pensions (HELP).

On May 20, 2009, the Committee on HELP met in open markup session and agreed to order S. 982 favorably reported, as amended.

No further action occurred on S. 982 as the Senate took up H.R. 1256, the House companion bill to S. 982. During Senate consideration on the floor, a substituted amendment with the text of S. 982 as reported by the Committee on HELP, was offered to H.R. 1256 as passed by the House, and was adopted by the Senate during its deliberations.

On June 11, 2009, the Senate passed H.R. 1256, as amended, by a rollcall vote of 79–17.

On June 12, 2009, the House agreed to concur with the Senate amendments to the House amendments to H.R. 1256 by a rollcall vote of 307–97, clearing the measure for the White House.

On June 22, 2009, H.R. 1256 was signed into law by the President and became Public Law 111–31.

RYAN WHITE HIV/AIDS TREATMENT EXTENSION ACT OF 2009

Public Law 111–87 (H.R. 3792, S. 1793)

To amend title XXVI of the Public Health Service Act to revise and extend the program for providing life-saving care for those with HIV/AIDS.

Summary

The Ryan White HIV/AIDS Treatment Extension Act of 2009 extends the Ryan White Program for four years, amending title XXVI of the Public Health Service Act (the Ryan White Care Act) to reauthorize many of the provisions in their current form and making several changes. It re-establishes the provisions of the Act, retroactive to September 30, 2009.

The Ryan White program, administered by the Health Resources and Services Administration (HRSA), is composed of four major parts: (1) Part A provides grants to large and mid-sized cities with a high incidence and/or prevalence of HIV and AIDS; (2) Part B provides grants to states and territories, and includes the AIDS Drug Assistance Program (ADAP); (3) Part C provides early intervention grants to public and private nonprofit entities, such as community clinics; and (4) Part D provides grants to public and nonprofit entities for family centered care and support services for women, infants, children, and youth with HIV/AIDS. The other components, collectively referred to as Part F, include the AIDS Dental Reimbursement (ADR) Program, the AIDS Education and Training Centers (AETCs), the Special Projects of National Significance (SPNS) Program, and the Minority AIDS Initiative (MAI).

The law authorizes a 5% increase in funding for Parts A through D and Part F, and eliminates/repeals all prior sunset provisions. It increases authorizations for the MAI by 5% annually. It reverts from competitive funding in Part A and Part B to formula funding, and requires the Government Accountability Office (GAO) to report on MAI activities across departmental agencies, including a description of best practices in capacity-building.

The law maintains the same provisions for states and jurisdictions with maturing names-based HIV case data during the first two years of the reauthorization period. Jurisdictions that report code-based data will continue to incur a 5% penalty against their count of living cases of HIV and will still be subject to a 5% cap on increases in the HIV case count. In 2012, the 5% penalty is increased to 6%. Beginning in fiscal year 2013, code-based protections are eliminated and all states are required to report cases using a names-based system.

The law extends current rules for transitional grant area status. It adds a provision that if a metropolitan area has between 1400 and 1500 cumulative living AIDS cases and does not have more than 5% of its total grants unobligated for the prior fiscal year, it will be treated as having met the criteria for continued eligibility as a Transitional Grant Area (TGA). The law continues the hold harmless requirements at a rate of 95% of fiscal year 2009 funding in 2010 and 100% of fiscal year 2010 funding for each of the fiscal years 2011 and 2012. For fiscal year 2013, the amount is set at 92.5% of the previous fiscal year's grant. The hold harmless status will continue to apply to both Part A and Part B grants.

The Secretary of HHS is required to establish a national HIV/AIDS testing goal of 5 million tests through federally-supported HIV/AIDS prevention, treatment, and care programs, both at the Centers for Disease Control and Prevention (CDC) and through other federal programs. The Secretary is required to report to Congress each year on the progress made toward achieving this goal, and to review each domestic HIV/AIDS prevention program to determine its effectiveness based on the program's contributions toward the testing goal and the program's stated purposes.

Legislative History

On September 9, 2009, the Subcommittee on Health held a hearing on a discussion draft of the legislation, prior to the introduction of H.R. 3792.

On October 13, 2009, H.R. 3792 was introduced in the House by Rep. Pallone of New Jersey and referred to the Committee on Energy and Commerce, and then referred to the Subcommittee on Health.

On October 14, 2009, the Subcommittee on Health met in open markup session and considered H.R. 3749. The Subcommittee then forwarded H.R. 3792 favorably to the full Committee without amendment by a voice vote.

On October 15, 2009, the Committee on Energy and Commerce met in open markup session and considered H.R. 3792 as approved by the Subcommittee on Health. H.R. 3792 was then ordered favorably reported to the House without amendment by a voice vote.

On October 20, 2009, the Committee on Energy and Commerce filed the House report on H.R. 3792 (H. Rept. 111-305).

No further action was taken on H.R. 3792. The Senate companion bill was acted on in lieu of H.R. 3792.

On October 15, 2009, S. 1793, the Ryan White HIV/AIDS Treatment Extension Act of 2009 (companion legislation to H.R. 3792) was introduced by Sen. Harkin of Iowa, referred to the Committee

on Health, Education, Labor, and Pensions, and reported to the Senate that same day.

On October 19, 2009, S. 1793 passed the Senate, amended, by unanimous consent.

On October 21, 2009, S. 1793 was passed under suspension of the rules by the House, as amended, by a rollcall vote of 408–9, clearing the measure for the White House.

On October 30, 2009, S. 1793 was signed into law by the President and became Public Law 111–87.

COMBAT METHAMPHETAMINE ENHANCEMENT ACT OF 2010

Public Law 111–268 (H.R. 2923, S. 256)

To enhance the ability to combat methamphetamine.

Summary

The Combat Methamphetamine Enhancement Act of 2010 amends the Controlled Substances Act to increase the compliance of retailers and distributors of pseudoephedrine and ephedrine products (which are precursor chemicals for the production of methamphetamine) with the 2006 Combat Methamphetamine Epidemic Act. The law clarifies that all persons engaged in retail sales of pseudoephedrine or ephedrine products, including by mail order, must self-certify that they have trained their personnel and agree to comply with the Combat Methamphetamine Epidemic Act. It requires distributors of these products to sell only to retailers who are registered with the Drug Enforcement Agency (DEA). The law requires the DEA to provide a downloadable database of all retailers which have filed self-certifications on their website so that distributors can check their customers against this database to ensure compliance. It clarifies that a retailer which negligently fails to file self-certification as required can face civil fines.

Legislative History

On June 17, 2009, H.R. 2923 was introduced in the House by Rep. Gordon of Tennessee and referred to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary.

On June 18, 2009, H.R. 2923 was referred to the Subcommittee on Health.

On January 15, 2009, S. 256, the Combat Methamphetamine Enhancement Act of 2009 (companion legislation to H.R. 2923) was introduced by Sen. Feinstein of California and referred to the Senate Committee on the Judiciary.

On March 23, 2009, the Senate Committee on the Judiciary met in open markup session and ordered S. 256 to be favorably reported.

On June 8, 2009, S. 256 passed the Senate by unanimous consent.

On June 9, 2009, S. 256 was received in the House and referred to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary.

No further action was taken on S. 256 in the 111th Congress.

On July 22, 2010, the Subcommittee on Health met in an open markup session to consider H.R. 2923 and subsequently forwarded the bill favorably to the full Committee without amendment by a voice vote.

On July 28, 2010, the Committee on Energy and Commerce met in an open markup session and considered H.R. 2923 as approved by the Subcommittee on Health. The bill was then ordered favorably reported to the House without amendment by a voice vote.

On September 22, 2010, the Committee on Energy and Commerce filed the House report on H.R. 2923 (H. Rept. 111–615, Part 1).

On September 22, 2010, the House passed H.R. 2923 under the suspension of the rules by a voice vote.

On September 23, 2010, the Senate received H.R. 2923.

On September 27, 2010, H.R. 2923 passed the Senate by unanimous consent, clearing the measure for the White House.

On October 12, 2010, H.R. 2923 was signed into law by the President and became Public Law 111–268.

SECURE AND RESPONSIBLE DRUG DISPOSAL ACT OF 2010

Public Law 111–273 (S. 3397, H.R. 5809)

To amend the Controlled Substances Act to provide for take-back disposal of controlled substances in certain instances.

Summary

According to the Department of Justice’s 2009 National Prescription Drug Threat Assessment, the number of deaths and treatment admissions for controlled prescription drugs has increased significantly in recent years, especially among teenagers between the ages of 12 and 17 years old. Many state and local law enforcement agencies have established drug disposal programs (often called “take-back” programs) to facilitate the collection and destruction of unused, unwanted, or expired medications. These programs help get outdated or unused medications off household shelves and out of the reach of children and teenagers. Drug take-back programs, however, often cannot dispose of the most dangerous pharmaceutical drugs—controlled substance medications—because Federal law does not permit the programs to accept such medications unless they get specific permission from the Drug Enforcement Administration (DEA), and arrange for full-time law enforcement officers to receive the controlled substances directly from the individual who seeks to dispose of them. Consequently, individuals seeking to dispose of unwanted controlled substances in their household are left with few disposal options beyond discarding or flushing the substances. These forms of disposal can introduce potentially harmful substances into the environment, especially the water.

The Secure and Responsible Drug Disposal Act of 2010 amends the Controlled Substances Act to allow the delivery of lawfully-possessed unused pharmaceutical controlled substances to appropriate entities for disposal in a safe and effective manner consistent with effective controls against diversion. Specifically, it allows unregistered ultimate users of lawfully-possessed controlled substances, or

in the case where the ultimate users are deceased, the persons lawfully entitled to dispose of their property, to deliver the controlled substances to authorized persons who will dispose of them in accordance with regulations issued by the Attorney General to prevent their diversion. The law also allows the Attorney General, through regulation, to authorize long term care facilities to dispose of controlled substances on behalf of ultimate users who reside or have resided there. The Attorney General may not require any entity to establish or operate a delivery or disposal program. The law requires the United States Sentencing Commission to review and, if appropriate, amend its guidelines and policy statements to ensure an appropriate penalty increase for people convicted of a drug offence involving receipt of a controlled substance for disposal.

Legislative History

On July 21, 2010, H.R. 5809, the Safe Drug Disposal Act of 2010, was introduced in the House by Rep. Inslee of Washington and referred to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary.

On July 22, 2010, the Subcommittee on Health held a legislative hearing on H.R. 5809. That same day, the Subcommittee on Health met in an open markup session on H.R. 5809 and forwarded the bill favorably to the full Committee, amended, by a voice vote.

On July 28, 2010, the Committee on Energy and Commerce met in open markup session on H.R. 5809. After agreeing by a voice vote to an amendment by Mr. Stupak of Michigan, the Committee ordered H.R. 5809 favorably reported to the House, amended, by a voice vote.

On September 22, 2010, the Committee on Energy and Commerce filed the House report on H.R. 5809 (H. Rept. 111-618, Part 1).

On September 22, 2010, H.R. 5809 passed the House, as amended, under suspension of the rules by a voice vote.

On September 23, 2010, the Senate received H.R. 5809 with the House amendment and referred the bill to the Senate Committee on the Judiciary.

Earlier on May 24, 2010, S. 3397, the Senate companion bill to H.R. 5809, was introduced by Sen. Klobuchar of Minnesota and referred to the Senate Committee on the Judiciary.

On July 29, 2010, the Committee on the Judiciary met in open markup session on S. 3397 and reported the bill, amended, to the Senate.

On August 3, 2010, S. 3397, as amended, passed the Senate by unanimous consent.

On September 29, 2010, S. 3397, as amended, passed the House, under suspension of the rules, by a voice vote. That same day, S. 3397, as amended by the House, passed the Senate by unanimous consent, clearing the measure for the White House.

The Senate and the House passed the Secure and Responsible Drug Disposal Act under the Senate number in lieu of H.R. 5809, which remained pending in the Senate. The Senate later took up H.R. 5809, striking the language from the bill and amended it with the text of unrelated energy legislation. H.R. 5809 was then passed by the Congress as the Diesel Emissions Reduction Act of 2010 (for

further information, see the Subcommittee on Energy and Environment legislative activities contained in this report).

On October 12, 2010, S. 3397 was signed into law by the President and became Public Law 111–273.

EARLY HEARING DETECTION AND INTERVENTION ACT OF 2010

Public Law 111–337 (H.R. 1246, S. 3199)

To amend the Public Health Service Act regarding early detection, diagnosis, and treatment of hearing loss.

Summary

The Early Hearing Detection and Intervention Act of 2010 amends the Public Health Service Act to (1) expand the newborns and infants hearing loss program to include diagnostic services among the services provided; and (2) require the Secretary of the Department of Health and Human Services, acting through the Administrator of the Health Resources and Services Administration (HRSA), to assist in the recruitment, retention, education, and training of qualified personnel and health care providers to implement the Early Hearing Detection and Intervention (EHDI) Program.

The law revises the purposes of EHDI Program to include: (1) developing and monitoring the efficacy of statewide programs and systems for hearing screening of newborns and infants, prompt evaluation and diagnosis of children referred from screening programs, and appropriate education, audiological, and medical interventions for children identified with hearing loss; (2) developing efficient models to ensure that newborns and infants who are identified with a hearing loss through screening receive follow-up by a qualified health care provider; and (3) ensuring an adequate supply of qualified personnel to meet the screening, evaluation, and early intervention needs of children.

The law amends the definition of “early intervention” to require that families be given the opportunity to obtain the full range of appropriate early intervention services, educational and program placements, and other options for their child from highly qualified providers. It requires the Secretary of HHS to establish a postdoctoral fellowship program to foster research and development in the area of early hearing detection and intervention.

Legislative History

On March 2, 2009, H.R. 1246 was introduced in the House by Rep. Capps of California and referred to the Committee on Energy and Commerce. H.R. 1246 was referred to the Subcommittee on Health, but was discharged from further consideration on March 4, 2009.

On March 4, 2009, the Committee on Energy and Commerce met in open markup session on H.R. 1246 and subsequently ordered the bill favorably reported to the House without amendment by a voice vote.

On March 23, 2009, the Committee on Energy and Commerce filed the House report on H.R. 1246 (H. Rept. 111–44).

On March 30, 2009, the House passed H.R. 1246 under suspension of the rules by a voice vote.

On March 31, 2009, H.R. 1246 was received in the Senate and referred to the Senate Committee on Health, Education, Labor, and Pensions. No further action was taken on H.R. 1246 as the bill was superseded by the Senate companion bill, S. 3199.

On March 14, 2010, S. 3199, the Early Hearing Detection and Intervention Act of 2010, was introduced by Sen. Snowe of Maine and referred to the Senate Committee on Health Education, Labor, and Pensions (HELP).

On December 1, 2010, the Committee on HELP met in open markup session and S. 3199 was favorably reported, amended.

On December 7, 2010, S. 3199 passed the Senate, as amended, by unanimous consent.

On December 15, 2010, the House passed S. 3199, under suspension of the rules, by a voice vote, clearing the measure for the White House.

On December 22, 2010, S. 3199 was signed into law by the President and became Public Law 111–337.

TO REAUTHORIZE AND ENHANCE JOHANNA’S LAW TO INCREASE PUBLIC
AWARENESS AND KNOWLEDGE WITH RESPECT TO GYNECOLOGIC
CANCERS

Public Law 111–324 (H.R. 2941)

To reauthorize and enhance Johanna’s Law to increase public awareness and knowledge with respect to gynecologic cancers.

Summary

Johanna’s Law reauthorizes and expands CDC programs to educate women and healthcare providers about gynecologic cancers. It authorizes \$16.5 million for the period of fiscal years 2010 through 2012 and such sums as are necessary for each subsequent fiscal year for these efforts. It further creates demonstration projects to evaluate research and outreach strategies for educating women and healthcare providers about gynecological cancers. For fiscal years 2010 through 2012, \$15 million is authorized for these activities; such sums as are necessary are authorized for each subsequent fiscal year.

Legislative History

On June 18, 2009, H.R. 2941 was introduced in the House by Rep. DeLauro of Connecticut and referred to the Committee on Energy and Commerce. The bill was referred to the Subcommittee on Health on June 19, 2009.

On September 15, 2010, the Subcommittee on Health held a legislative hearing on H.R. 2941.

On September 16, 2010, the Subcommittee on Health met in an open markup session on H.R. 2941 and forwarded favorably the bill to the full Committee, amended, by a voice vote.

On September 23, 2010, the Committee on Energy and Commerce met in an open markup session to consider H.R. 2941 as approved by the Subcommittee. Subsequently, H.R. 2941 was ordered favorably reported to the House, amended, by a voice vote.

On September 28, 2010, the Committee on Energy and Commerce filed the House report on H.R. 2941 (H. Rept. 111–635).

On September 30, 2010, H.R. 2941 passed the House, as amended, under suspension of the rules by a voice vote.

On November 15, 2010, the Senate received H.R. 2941 with the House amendment and referred the bill to the Committee on Health, Education, Labor, and Pensions (HELP).

On December 1, 2010, the Senate Committee on HELP met in open markup session on H.R. 2941 and ordered the bill favorably reported with an amendment.

On December 10, 2010, the Senate passed H.R. 2941, amended, by unanimous consent.

On December 16, 2010, the House, under suspension of the rules, agreed by a voice vote to concur with the Senate amendment to the House amendment to H.R. 2941, clearing the measure for the White House.

On December 22, 2010, H.R. 2941 was signed into law by the President and became Public Law 111–324.

FOOD SAFETY ENHANCEMENT ACT OF 2009

Awaiting White House Action (H.R. 2751, H.R. 2749)

To amend the Federal Food, Drug, and Cosmetic Act to improve the safety of food in the global market, and for other purposes.

Summary

H.R. 2749, the Food Safety Enhancement Act of 2009, would amend the Federal Food, Drug, and Cosmetic Act (FFDCA) to improve the safety of food, and for other purposes.

The bill would create an up-to-date registry of all food facilities serving American consumers, and requires all facilities operating within the U.S. or importing food to the U.S. to register with FDA annually. It would generate resources to support FDA oversight of food safety, and requires payment of an annual registration fee of \$500 per facility that would generate revenue for food safety activities at FDA.

The bill would require foreign and domestic food facilities to have safety plans in place to identify and mitigate hazards, and those plans and food facility records would be subject to review by FDA inspectors and third-party certifiers. A minimum inspection frequency for foreign and domestic facilities would be set. Each high risk facility would be inspected at least once every six to 12 months; each low risk facility would be inspected at least once every 18 months to three years; and each warehouse would be inspected at least once every five years. Refusing, impeding or delaying an inspection is prohibited.

The bill would grant the Secretary of HHS the authority to issue mandatory performance standards for reducing hazards. It would direct the Secretary to require certain foreign food to be certified as meeting all U.S. food safety requirements by third parties accredited by FDA. It would create a fast-track import process for food meeting security standards, by directing FDA to develop voluntary safety and security guidelines for imported foods. Importers meeting the guidelines would receive expedited processing.

The bill would require safety plans for fresh produce and certain other raw agricultural commodities. It directs FDA, in coordination with the Department of Agriculture (USDA), to issue regulations for ensuring the safe production and harvesting of fruits and vegetables and other raw agricultural commodities, like mushrooms.

FDA's traceback capabilities are significantly expanded in the event of a foodborne illness outbreak. The Secretary of HHS would be directed to issue traceback regulations that enable the Secretary to identify the history of the food in as short a timeframe as practicable, but no longer than two business days. Prior to issuing such regulations, the Secretary would be required to conduct a feasibility study, public meetings, and one or more pilot projects before issuing traceback regulations. There are exemptions for certain foods or facilities. The bill would require all processed food labels to indicate the country in which final processing occurred and country-of-origin labeling for all produce.

The bill would require FDA to establish a program to recognize laboratory accreditation bodies and to accept test results only from duly accredited laboratories. Laboratories would be required to send certain test results directly to FDA. It would provide FDA new authority to issue mandatory recalls of tainted foods, and strengthens penalties imposed on food facilities that fail to comply with safety requirements. The bill would allow FDA to charge a fee to cover the cost of additional inspections of facilities that previously committed a violation of the FFDCA related to food, and enhances FDA's ability to administratively detain tainted food products.

The Secretary would be directed to enhance foodborne illness surveillance systems to improve the collection, analysis, reporting, and usefulness of data on foodborne illnesses. The bill would require the Secretary to provide greater coordination between federal, state, and local agencies.

The bill would enhance the transparency of the "Generally Recognized as Safe" (GRAS) program, by requiring posting on FDA's website of documentation submitted to FDA in support of GRAS notification.

It would create specific new regulations pertaining to infant formula. A manufacturer of a new infant formula would be required to submit certain safety information regarding new ingredients and grants FDA additional time to review such new ingredients.

The bill would provide the Secretary with the ability to prohibit or restrict movement of harmful food products. If the Secretary, after consultation with a governor, determines there is credible evidence that an article of food presents an imminent threat, he or she would be able to prohibit or restrict movement of food in the state or portion of the state. The bill would require unique identification numbers for facilities and importers to improve the accuracy of data and the ability for FDA to more quickly to identify involved parties in a crisis situation.

The bill would prohibit entities regulated by FDA from discriminating against an employee in retaliation for assisting in any investigation regarding any conduct which the employee reasonably believes constitutes a violation of federal law. FDA would be granted new authority to subpoena records related to possible violations.

Legislative History

On June 8, 2009, H.R. 2749 was introduced in the House by Rep. Dingell of Michigan and referred to the Committee on Energy and Commerce.

On June 10, 2009, the Subcommittee on Health met in an open markup session, and on June 11, 2009, H.R. 2749 was forwarded favorably to the full Committee, amended, by a voice vote.

On June 17, 2009, the Committee on Energy and Commerce met in open markup session, and H.R. 2749 was ordered favorably reported, as amended, by a voice vote.

On July 29, 2009, the Committee on Energy and Commerce reported H.R. 2749, as amended, to the House (H. Rept. 111-234). That same day, H.R. 2749, as amended, failed to pass the House, under suspension of the rules, by a rollcall vote of 280-150.

On July 30, 2009, H.R. 2749, as amended, passed the House by a rollcall vote of 283 to 142.

On August 3, 2009, H.R. 2749 was received in the Senate and referred to the Committee on Health, Education, Labor, and Pensions. No further action was taken on H.R. 2749 in the 111th Congress.

On November 18, 2009, the Senate Committee on Health, Education, Labor, and Pensions (HELP) considered in markup S. 510 (Senate companion bill to H.R. 2749), which was previously introduced by Sen. Durbin of Illinois on March 3, 2009. The Senate Committee ordered the bill the Senate with an amendment. On December 18, 2009, the Senate Committee on HELP reported the bill with an amendment in the nature of a substitute.

The Senate considered S. 510 and motions thereto September 29, November 17, 18, 29, and 30, 2010.

On November 30, 2010, S. 510 passed the Senate, as amended, by a rollcall vote of 73-25. No further action was taken on S. 510 in the 111th Congress.

On December 19, 2010, H.R. 2751, an unrelated bill passed by the House and pending on the Senate Legislative Calendar, was laid before the Senate by unanimous consent. A motion to strike all after the enacting clause of H.R. 2751 and take the text of S. 510, as passed the Senate and modified with the changes in an amendment at the desk, was agreed to by unanimous consent. Subsequently the Senate agreed to H.R. 2751 as amended by unanimous consent. The title of the bill was also amended to read as: A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply.

On December 21, 2010, the House agreed to the Senate amendments to H.R. 2751 by adopting a motion by Mr. Dingell of Michigan by a rollcall vote of 215-144, clearing the measure for the White House.

On December 29, 2010, H.R. 2751 was presented to the President.

H.R. 2751, as approved by the House and the Senate, was awaiting action by the President when this report was filed.

NATIONAL ALZHEIMER'S PROJECT ACT

Awaiting White House Action (H.R. 4689, S. 3036)

To establish the Office of the National Alzheimer's Project.

Summary

The National Alzheimer's Project Act establishes the Office of the National Alzheimer's Project, in the Office of the Secretary of the Department of Health and Human Services to: (1) accelerate the development of treatments that would prevent, halt, or reverse the course of Alzheimer's; (2) create and maintain an integrated national plan to overcome Alzheimer's; (3) help to coordinate the health care and treatment of citizens with Alzheimer's; (4) ensure the inclusion of ethnic and racial populations that are at higher risk for Alzheimer's or that are least likely to receive care in clinical, research, and service efforts with the purpose of decreasing health disparities; (5) coordinate with international bodies to integrate and inform the fight against Alzheimer's globally; and (6) provide information and coordination of Alzheimer's research and services across all federal agencies. The law establishes an Advisory Council on Alzheimer's Research Treatment comprised of Federal and non-Federal experts on Alzheimer's disease.

Legislative History

On February 25, 2010, H.R. 4689 was introduced in the House by Rep. Markey of Massachusetts and referred to the Committee on Energy and Commerce. For further action on H.R. 4689 in the 111th Congress, see action taken on S. 3036, a Senate companion bill.

On February 24, 2010, S. 3036, the National Alzheimer's Project Act (Senate companion bill to H.R. 4689) was introduced by Sunbath of Indiana and referred to the Committee on Health, Education, Labor, and Pensions.

On December 1, 2010, the Committee on Health, Education, Labor, and Pensions met in open markup session, and S. 3036 was ordered favorably reported, amended, to the Senate.

On December 8, 2010, S. 3036 passed the Senate, as amended, by unanimous consent.

On December 15, 2010, S. 3036, as amended by the Senate, passed the House under suspension of the rules by a voice vote, clearing the measure for the White House.

On December 28, 2010, S. 3036 was presented to the President.

S. 3036, as approved by the House and the Senate, was awaiting action by the President when this report was filed.

STATUTORY TIME-PERIODS TECHNICAL AMENDMENTS ACT OF 2009

Public Law 111-16 (H.R. 1626)

To make technical amendments to laws containing time periods affecting judicial proceedings.

Summary

The Statutory Time-Periods Technical Amendments Act of 2009 amends federal bankruptcy, criminal, and civil law, as well as the

Classified Information Procedures Act and the Controlled Substances Act, to extend specified deadlines affecting court proceedings to harmonize them with recent amendments to the federal time-computation rules intended to provide predictability and uniformity to the current process of calculating court deadlines.

Legislative History

On March 13, 2009, H.R. 1626 was introduced in the House by Rep. Johnson of Georgia and referred to the Committee on Energy and Commerce, and also to the Committee on the Judiciary.

On April 22, 2009, H.R. 1626 passed the House, under suspension of the rules, by a voice vote. On April 27, 2009, H.R. 1626 passed the Senate by unanimous consent.

On May 7, 2009, H.R. 1626 was signed by the President and became Public Law 111–16.

MELANIE BLOCKER STOKES MOM’S OPPORTUNITY TO ACCESS HEALTH,
EDUCATION, RESEARCH, AND SUPPORT FOR POSTPARTUM DEPRES-
SION ACT

(H.R. 20)

To provide research on, and services for individuals with, postpartum depression and psychosis.

Summary

H.R. 20, the Melanie Blocker Stokes Mom’s Opportunity to Access Health, Education, Research, and Support for Postpartum Depression Act, encourages the Secretary of HHS, the Director of the National Institute of Mental Health (NIMH), and the Director of the National Institutes of Health (NIH) to coordinate activities and continue aggressive work with respect to postpartum depression and postpartum psychosis. In addition, the Director of NIMH would be directed to continue supporting research on understanding the causes of postpartum depression and finding a cure through various activities including: (1) basic research concerning the etiology and causes of the conditions; (2) epidemiological studies to address the frequency and natural history of the conditions and the differences among racial and ethnic groups with respect to the conditions; (3) development of improved screening and diagnostic techniques; (4) clinical research for the development and evaluation of new treatments; and (5) information and education programs for health care professionals and the public.

H.R. 20 would direct the Secretary of HHS to make grants to provide for projects for the establishment, operation, and coordination of effective and cost-efficient systems for the delivery of essential services to individuals with postpartum depression or postpartum psychosis. Recipients of these grants would be required to be either a public or nonprofit private entity.

Legislative History

On January 6, 2009, H.R. 20 was introduced in the House by Rep. Rush of Illinois and referred to the Committee on Energy and Commerce. The bill was referred to the Subcommittee on Health on

January 14, 2009. The Subcommittee was discharged on March 4, 2009.

On March 4, 2009, the Committee on Energy and Commerce met in open markup session to consider H.R. 20. Subsequently the Committee ordered H.R. 20 favorably reported to the House, amended, by a voice vote.

On March 23, 2009, the Committee on Energy and Commerce filed the House report on H.R. 20 (H. Rept. 111–48).

On March 30, 2009, H.R. 20 passed the House, amended, under suspension of the rules, by a rollcall vote of 391–8.

On March 31, 2009, H.R. 20 was received in the Senate and referred to the Committee on Health, Education, Labor, and Pensions.

No further action was taken on H.R. 20 in the 111th Congress; however, provisions of the legislation were included in the House-passed health reform bill. For further action, see H.R. 3962.

CALLING FOR 2–1–1 ACT OF 2009

(H.R. 211)

To facilitate the nationwide availability of 2–1–1 telephone service for information and referral on health and human services, including volunteer services.

Summary

H.R. 211, Calling for 2–1–1 Act of 2009, would require the Secretary of HHS to award a grant to each state (based on a formula to be developed by the Secretary) to make the 2–1–1 health and human services referral service available throughout the state. The 2–1–1 service is to be operated through a lead entity that either has previously had responsibility to carry out this service or meets certain criteria. The bill would authorize \$150 million for each of fiscal years 2009 and 2010 and \$100 million for each of fiscal years 2011 through 2014 to carry out the bill's activities.

Legislative History

On January 6, 2009, H.R. 211 was introduced in the House by Rep. Eshoo of California and referred to the Committee on Energy and Commerce. Subsequently, the bill was referred to the Subcommittee on Health on January 14, 2009.

On September 15, 2010, the Subcommittee on Health held a legislative hearing on H.R. 211.

No further action was taken on H.R. 211 in the 111th Congress.

CHRISTOPHER AND DANA REEVE PARALYSIS ACT

(H.R. 307)

To enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities.

Summary

H.R. 307, the Christopher and Dana Reeve Paralysis Act, would authorize the Director of the National Institutes of Health to de-

velop mechanisms to coordinate the paralysis research and rehabilitation activities of NIH institutes and centers in order to further advance such activities and avoid their duplication. The bill would also authorize the Director of NIH to make awards of grants to public or private entities to pay all or part of the cost of planning, establishing, improving, and providing basic operating support for consortia in paralysis research. It would require the Director to designate each such consortium as a Christopher and Dana Reeve Paralysis Research Consortium.

In addition, the bill would authorize the Secretary of Health and Human Services to study the health challenges associated with paralysis and other physical disabilities and carry out projects and interventions to improve the quality of life and long-term health status of individuals with such conditions. It would authorize the Secretary to award grants for activities related to paralysis, including grants to establish paralysis registries and to disseminate information to the public.

Legislative History

On January 8, 2009, H.R. 307 was introduced in the House by Rep. Baldwin of Wisconsin and referred to the Committee on Energy and Commerce, and then referred to the Subcommittee on Health on January 14, 2009. It was discharged from subcommittee consideration on March 4, 2009.

On March 4, 2009, the Committee on Energy and Commerce met in open markup session to consider H.R. 307 and then ordered the bill favorably reported to the House without amendment by a voice vote.

On March 23, 2009, the Committee on Energy and Commerce filed the House report on H.R. 307 (H. Rept. 111-45).

No further action was taken on H.R. 307 in the 111th Congress.

WAKEFIELD ACT

(H.R. 479)

To amend the Public Health Service Act to provide a means for continued improvement in emergency medical services for children.

Summary

The Emergency Medical Services for Children (EMSC) Program, under section 1910 of the Public Health Services Act, is the only federal program that focuses specifically on improving the pediatric components of emergency medical care. This program began in 1984 and covers the entire spectrum of emergency medical care, but it is designed to ensure state-of-the-art emergency medical care for ill or injured children and adolescents. The EMSC Program provides grants to states to improve existing Early Emergency Medical Services (EMS) systems and to schools of medicine to develop and evaluate improved procedures and protocols for treating children.

H.R. 479, the Wakefield Act, would reauthorize the EMSC Program. It would amend the Public Health Service Act to extend by one year the length of time for which a grant may be awarded from a three year period with an optional fourth year, to a four year period with an optional fifth year. It would authorize appropriations

of \$25 million for fiscal year 2010 and \$138 million for fiscal years 2010 through 2014.

Legislative History

On January 13, 2009, H.R. 479 was introduced in the House by Rep. Matheson of Utah and referred to the Committee on Energy and Commerce. The bill was referred to the Subcommittee on Health on January 14, 2009, but subsequently discharged from consideration on March 4, 2009.

On March 4, 2009, the Committee on Energy and Commerce met in open markup session to consider H.R. 479, which was ordered favorably the House, amended, by a voice vote.

On March 23, 2009, the Committee on Energy and Commerce filed the House report on H.R. 479 (H. Rept. 111–43).

On March 30, 2009, the House passed H.R. 479 under suspension of the rules by a rollcall vote of 390–6.

On March 31, 2009, the Senate received H.R. 479 and referred to the Senate Committee on Health, Education, Labor, and Pensions.

No further action was taken on H.R. 479 in the 111th Congress.

VISION CARE FOR KIDS ACT OF 2009

(H.R. 577)

To establish a grant program to provide vision care to children.

Summary

H.R. 577, the Vision Care for Kids Act of 2009, would amend the Public Health Service Act to include a new section authorizing the Secretary of HHS, acting through the Director of CDC, to award grants to states for: (1) comprehensive eye examinations for children previously identified as needing these services; (2) treatment or services to correct vision problems; and (3) development and dissemination of education materials on recognizing signs of visual impairment. Eligible children would not be able to receive coverage for vision services through a private insurance policy, nor be eligible for vision services through Medicaid, the Children's Health Insurance Program, or any other federal or state health benefit programs. These children would have to be defined by their states as low-income.

The legislation would prioritize services for children who are under the age of nine. It would require the Secretary of HHS to give priority to states that will provide services to the lowest income children within the state. States would be required to ensure that grant funds supplement, and not supplant, any other federal, state, or local funds available to carry out similar activities and coordinate grant programs under the bill with existing federal and state programs that provide services to children. States would be required to provide assurances that the state will not eliminate or otherwise reduce vision care benefits provided under Medicaid. All grant funds would be required to be expended on eligible children. To receive grants, states would be required to contribute at least 25% of activity costs (75–25 federal-state match), and up to 20% of a state's grant funding may be used for education and awareness.

The bill would authorize the appropriation of \$65 million for fiscal years 2009 through 2013.

Legislative History

On January 15, 2009, H.R. 577 was introduced in the House by Rep. Gene Green of Texas and referred to the Committee on Energy and Commerce. The bill was referred to the Subcommittee on Health on January 16, 2009, but subsequently discharged from consideration on March 4, 2009.

On March 4, 2009, the Committee on Energy and Commerce met in open markup session to consider H.R. 577, which was ordered favorably reported to the House, amended, by a voice vote.

On March 23, 2009, the Committee on Energy and Commerce filed the House report on H.R. 577 (H. Rept. 111–46).

On March 31, 2009, the House passed H.R. 577 under suspension of the rules by a rollcall vote of 404–17.

On April 1, 2009, the Senate received H.R. 577 and referred to the Senate Committee on Health, Education, Labor, and Pensions.

No further action was taken on H.R. 577 in the 111th Congress.

NATIONAL PAIN CARE POLICY ACT OF 2009

(H.R. 756)

To amend the Public Health Service Act to provide support for various pain care activities.

Summary

H.R. 756, the National Pain Care Policy Act of 2009, would amend the Public Health Service Act to authorize the Secretary of HHS to: (1) contract with the Institute of Medicine to convene a national conference on pain; (2) to support programs to educate and train health professionals in pain care; and (3) to implement a national pain care education, outreach, and awareness campaign. The bill would authorize the appropriation of various amounts for each of these purposes for fiscal years 2010 through 2012.

Legislative History

On January 28, 2009, H.R. 756 was introduced in the House by Rep. Capps of California and referred to the Committee on Energy and Commerce. The bill was referred to the Subcommittee on Health on January 29, 2009, but subsequently discharged from consideration on March 4, 2009.

On March 4, 2009, the Committee on Energy and Commerce met in open markup session to consider H.R. 756, which was ordered favorably reported to the House without amendment by a voice vote.

On March 23, 2009, the Committee on Energy and Commerce filed the House report on H.R. 756 (H. Rept. 111–43).

On March 30, 2009, the House passed H.R. 756 under suspension of the rules by a rollcall vote of 390–6.

On March 31, 2009, the Senate received H.R. 756 and referred to the Senate Committee on Health, Education, Labor, and Pensions.

No further action was taken on H.R. 756 in the 111th Congress, although provisions of this legislation were included in the House-passed legislation on Health Care Reform (see H.R. 3962).

PEDIATRIC RESEARCH CONSORTIA ESTABLISHMENT ACT

(H.R. 758)

To amend title IV of the Public Health Service Act to provide for the establishment of pediatric research consortia at the National Institutes of Health.

Summary

H.R. 758, the Pediatric Research Consortia Establishment Act, would amend title IV of the Public Health Service Act to provide for the establishment of pediatric research consortia. The bill would require the Director of NIH, acting through the Director of the National Institute of Child Health and Human Development, to award grants, contracts, or cooperative agreements for planning, establishing, and providing basic operating support for up to 20 national pediatric research consortia. H.R. 758 would require each consortium to: (1) supplement, but not replace, the establishment of a comprehensive pediatric research portfolio; (2) conduct basic, clinical, behavioral, social, and translational research; and (3) conduct training and demonstration of advanced diagnostic and treatment methods relating to pediatrics.

Legislative History

On January 28, 2009, H.R. 758 was introduced in the House by Rep. DeGette of Colorado and referred to the Committee on Energy and Commerce. The bill was referred to the Subcommittee on Health on February 2, 2009.

On September 15, 2010, the Subcommittee on Health held a legislative hearing on H.R. 758.

On September 16, 2010, the Subcommittee on Health met in open markup session and H.R. 758 was favorably forwarded to the full Committee, amended, by a voice vote.

On September 23, 2010, the Committee on Energy and Commerce met in open markup session to consider H.R. 758 as approved by the Subcommittee. Subsequently the Committee ordered H.R. 758 favorably reported to the House, as amended, by a voice vote.

On September 28, 2010, the Committee on Energy and Commerce filed a House report on H.R. 758 (H. Rept. 111-640).

H.R. 758 was passed by the House under suspension of the rules, as amended, by a voice vote on September 28, 2010.

On November 15, 2010, H.R. 758 was received in the Senate and referred to the Committee on Health, Education, Labor, and Pensions.

No further action was taken on H.R. 758 in the 111th Congress.

DENTAL EMERGENCY RESPONDER ACT OF 2010

(H.R. 903)

To amend various authorities, including the Public Health Service Act, to enhance the roles of dentists and allied dental personnel in the Nation's disaster response framework.

Summary

Currently federal law deters states receiving federal emergency responder training grants from incorporating dental professionals and schools into their all-hazards emergency response plans. H.R. 903, the Dental Emergency Responder Act of 2010, would provide states the option to incorporate dentists and dental facilities into such plans.

The legislation would amend the Public Health Service Act to: (1) revise the National Health Security Strategy to include increasing the preparedness, response capabilities, and surge capacity of dental facilities and effective utilization of any available mobile dental assets; and (2) require federal dental entities to carry out activities under the public health and medical response training program. H.R. 903 would amend the Homeland Security Act of 2002 to include dental personnel within the definition of "emergency response providers" and would require the Chief Medical Officer of the Department of Homeland Security (DHS) to serve as the primary DHS point of contact for the dental community with respect to medical and public health matters related to natural disasters, acts of terrorism, and other man-made disasters. In addition, H.R. 903 would amend the Post-Katrina Emergency Management Reform Act of 2006 to require operational plans developed by federal agencies with responsibilities under the National Response Plan to address the preparedness and deployment of dental resources.

Legislative History

On February 4, 2009, H.R. 903 was introduced in the House by Rep. Stupak of Michigan and referred to the Committee on Energy and Commerce. The bill was referred to the Subcommittee on Health on February 9, 2009.

On July 22, 2010, the Subcommittee on Health met in open markup session to consider H.R. 903, and favorably forwarded the bill to the full Committee, amended, by a voice vote.

On July 28, 2010, the Committee on Energy and Commerce met in open markup session to consider H.R. 903 as approved by the Subcommittee. H.R. 903 was ordered favorably reported to the House, as amended, by a voice vote.

On September 28, 2010, the Committee on Energy and Commerce filed the House report on H.R. 903 (H. Rept. 111-647).

H.R. 903 was passed by the House under suspension of the rules, as amended, by a voice vote on September 28, 2010.

On September 29, 2010, the Senate received H.R. 903 as amended by the House and referred the bill to the Committee on Health, Education, Labor, and Pensions.

No further action was taken on H.R. 903 in the 111th Congress, although provisions of the legislation were also included in the House-passed health reform bill (see H.R. 3962).

PHYSICIAN WORKFORCE ENHANCEMENT ACT OF 2009

(H.R. 914)

To amend title VII of the Public Health Service Act to establish a loan program for eligible hospitals to establish residency training programs.

Summary

H.R. 914, the Physician Workforce Enhancement Act of 2009, would amend the Public Health Service Act to require the Secretary of HHS, acting through the Administrator of HRSA, to establish a program that provides loans for residency training programs to public or nonprofit hospitals that do not have residency programs and meet other criteria, with preference given to hospitals in rural and small areas. The Administrator would be required to establish penalties for violation of the program's requirements and to submit a report to Congress on the efficacy of the program. The Administrator would be prohibited from charging or collecting interest on loans. The legislation would authorize the appropriation of a total of \$25 million for fiscal years 2010 through 2020. The cumulative dollar amount of a loan to an eligible hospital would not be allowed to exceed \$1 million, and loans could not be made after December 31, 2019.

Legislative History

On February 9, 2009, H.R. 914 was introduced in the House by Rep. Burgess of Texas and referred to the Committee on Energy and Commerce. The bill was referred to the Subcommittee on Health on February 10, 2009. The Subcommittee was discharged from consideration of H.R. 914 on March 4, 2009.

On March 4, 2009, the Committee on Energy and Commerce met in open markup session to consider H.R. 914 and ordered the bill favorably reported to the House without amendment by a voice vote.

There was no further action taken on H.R. 914 in the 111th Congress.

MAMMOGRAM AND MRI AVAILABILITY ACT OF 2009

(H.R. 995)

To amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for annual screening mammography for women 40 years of age or older and for such screening and annual magnetic resonance imaging for women at high risk for breast cancer if the coverage or plans include coverage for diagnostic mammography for women 40 years of age or older.

Summary

H.R. 995, the Mammogram and MRI Availability Act of 2009, would amend the Public Health Service Act to require health insurance plans offering group coverage that provide coverage for diagnostic mammography for women aged 40 years and older to meet

certain requirements with respect to coverage of mammography services. Health insurance plans providing coverage for diagnostic mammography would also be required to provide coverage of annual screening mammography for women over 40. In addition, these plans would be required to cover diagnostic mammography, annual screening mammography, and annual magnetic resonance imaging for high-risk women under terms and conditions no less favorable than those for coverage of diagnostic mammography.

The bill would prohibit health insurance plans from: (1) denying coverage for annual screening mammography or annual magnetic resonance imaging on the basis that coverage is not medically necessary or not pursuant to health care provider referral, consent, or recommendation; (2) denying eligible women continued eligibility, enrollment, or coverage renewal solely to avoid requirements of the legislation; (3) providing monetary payments or rebates to encourage women to accept less than minimum protections under the legislation; (4) penalizing or otherwise reducing or limiting reimbursement of an attending provider if he or she provides care to a beneficiary in accordance with the legislation; and (5) providing incentives to providers to induce care of a beneficiary that is inconsistent with the legislation.

Legislative History

On February 11, 2009, H.R. 995 was introduced in the House by Rep. Nadler of New York and referred to the Committee on Energy and Commerce, and in addition to the Committee on Education and Labor. The bill was referred to the Subcommittee on Health on February 12, 2009.

On October 8, 2009, the Subcommittee on Health held a legislative hearing on H.R. 995.

No further action was taken on H.R. 995 in the 111th Congress.

HEART DISEASE EDUCATION, ANALYSIS RESEARCH, AND TREATMENT FOR WOMEN ACT

(H.R. 1032)

To amend the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women.

Summary

H.R. 1032, Heart Disease Education, Analysis Research, and Treatment for Women Act, is designed to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women. The legislation would codify FDA regulations that require the inclusion of women in clinical trials submitted to FDA to support an application for a drug device, or biologics approval. It would require that patient safety data reported to and among the network of patient safety databases be stratified by gender. In addition, H.R. 1032 would require HHS to carry out an education campaign about heart disease and women and reauthorize the WISEWOMAN program at CDC. The bill would authorize the WISEWOMAN program at: \$70 million for fiscal year 2010; \$73.5 million for fiscal year 2011; \$77 million for fiscal year

2012; \$81 million for fiscal year 2013; and \$85 million for fiscal year 2014.

Legislative History

On February 12, 2009, H.R. 1032 was introduced in the House by Rep. Capps of California and referred to the Committee on Energy and Commerce. The bill was referred to the Subcommittee on Health on February 13, 2009.

On September 15, 2010, the Subcommittee on Health held a legislative hearing on H.R. 1032.

On September 16, 2010, the Subcommittee on Health met in open markup session to consider H.R. 1032. Subsequently, H.R. 1032 was favorably forwarded to the full Committee, amended, by a voice vote.

On September 23, 2010, the Committee on Energy and Commerce met in open markup session on H.R. 1032 and ordered the bill favorably reported to the House, as amended by the Subcommittee, by a voice vote.

On September 28, 2010, the Committee on Energy and Commerce filed the House report on H.R. 1032 (H. Rept. 111–639).

On September 30, 2010, H.R. 1032 passed the House under suspension of the rules, as amended, by a voice vote.

On November 15, 2010, the Senate received H.R. 1032, as amended by the House, and referred the bill to the Senate Committee on Health, Education, Labor, and Pensions.

No further action was taken on H.R. 1032 in the 111th Congress, although provisions of the legislation were included in the House-passed health reform bill (see H.R. 3962).

ARTHRITIS PREVENTION, CONTROL, AND CURE ACT OF 2010

(H.R. 1210)

To amend the Public Health Service Act to provide for arthritis research and other arthritis-related activities.

Summary

H.R. 1210, the Arthritis Prevention, Control, and Cure Act of 2010, would provide resources to help address the health needs of hundreds of thousands of Americans who suffer from arthritis. The bill would require the Secretary of Health and Human Services to develop and implement a National Arthritis Action Program, at a level of \$32 million in fiscal year 2010, rising to \$40 million in fiscal year 2014. The Program would support control, prevention, surveillance, research, education, and outreach activities, through grants and direct support to public or private nonprofit entities and states. The bill would further authorize the Secretary to expand and intensify National Institutes of Health programs with respect to research and related activities concerning various forms of juvenile arthritis and related conditions.

In addition, the legislation would direct the Centers for Disease Control (CDC) and Prevention to award grants or enter into cooperative agreements for the collection, analysis, and reporting of data on juvenile arthritis, and to support the development of a national juvenile arthritis population-based database. It would authorize

\$25 million for each of the fiscal years 2010 through 2014 for these CDC surveillance activities.

The bill would also require the Secretary to provide grants to support pediatric rheumatology training at a level of \$3.75 million for each of fiscal years 2010 through 2014, and directs the Secretary to establish and carry out a pediatric rheumatology loan repayment program, as needed. To carry out these activities, the Secretary would be able to reserve funding from amounts already appropriated to the Health Resources and Services Administration for the fiscal year involved.

Legislative History

On February 26, 2009, H.R. 1210 was introduced in the House by Rep. Eshoo of California and referred to the Committee on Energy and Commerce. The bill was referred to the Subcommittee on Health on March 2, 2009. The Subcommittee was discharged from consideration of the bill on September 23, 2010.

On September 15, 2010, the Subcommittee on Health held a hearing on H.R. 1210.

On September 23, 2010, the Committee on Energy and Commerce met in open markup session to consider H.R. 1210. Subsequently, the Committee ordered H.R. 1210 favorably reported to the House, amended, by a voice vote.

On September 28, 2010, the Committee on Energy and Commerce filed the House report on H.R. 1210 (H. Rept. 111-638).

On September 30, 2010, the House passed H.R. 1210, as amended, under suspension of the rules by a voice vote.

On November 15, 2010, the Senate received H.R. 1210 with House amendments and referred the bill to the Senate Committee on Health, Education, Labor, and Pensions.

No further action was taken on H.R. 1210 in the 111th Congress.

ACQUIRED BONE MARROW FAILURE DISEASE RESEARCH AND TREATMENT ACT OF 2010

(H.R. 1230)

To amend the Public Health Service Act to provide for research on acquired bone marrow failure diseases, minority-focused programs on such diseases, and the development of best practices for diagnosis of and care for individuals with such diseases.

Summary

H.R. 1230, the Acquired Bone Marrow Failure Disease Research and Treatment Act of 2010, addresses the need to improve research and treatment for individuals diagnosed with bone marrow disease. The bill would require the Secretary of Health and Human Services, acting through the Director of Centers for Disease Control and Prevention, to develop a system to collect data on acquired bone marrow failure diseases and to establish the National Acquired Bone Marrow Failure Disease Registry. The legislation would allow the Secretary to award grants to, and enter into contracts and cooperative agreements with, public or private nonprofit entities for the management of the Registry. It would require the Secretary to conduct pilot studies to determine which environmental factors

may cause acquired bone marrow failure diseases. The bill would authorize \$3 million for each of fiscal years 2010 through 2014 to carry out these activities.

In addition, H.R. 1230 would require the Secretary to establish outreach and information programs targeted to minority populations affected by acquired bone marrow failure diseases and to award grants to, or enter into cooperative agreements with, entities to perform research on such diseases. It would authorize \$2 million for each of fiscal years 2010 through 2014 to carry out these activities. The bill would also require the Secretary, acting through the Director of the Agency on Healthcare Research and Quality (AHRQ), to award grants to entities to improve diagnostic practices and quality of care with respect to patients with acquired bone marrow failure diseases.

Legislative History

On February 26, 2009, H.R. 1230 was introduced in the House by Rep. Matsui of California and referred to the Committee on Energy and Commerce. The bill was referred to the Subcommittee on Health on March 2, 2009.

On September 15, 2010, the Subcommittee on Health held a hearing on H.R. 1230.

On September 16, 2010, the Subcommittee on Health met in open markup session to consider H.R. 1230, and favorably forwarded the bill to the full Committee, amended, by a voice vote.

On September 23, 2010, the Committee on Energy and Commerce met in open markup session to consider H.R. 1210 as amended by the Subcommittee. The Committee subsequently ordered H.R. 1230 favorably reported to the House, as amended, by a voice vote.

On September 28, 2010, the Committee on Energy and Commerce filed the House report on H.R. 1210 (H. Rept. 111–637).

On September 30, 2010, the House passed H.R. 1230, as amended, under suspension of the rules by a voice vote.

On November 15, 2010, the Senate received H.R. 1230 with House amendments and referred the bill to the Senate Committee on Health, Education, Labor, and Pensions.

No further action was taken on H.R. 1230 in the 111th Congress.

DEXTROMETHORPHAN DISTRIBUTION ACT OF 2009

(H.R. 1259)

To amend the Federal Food, Drug, and Cosmetic Act with respect to the distribution of the drug Dextromethorphan, and for other purposes.

Summary

Dextromethorphan (DXM) is an over-the-counter (OTC) cough suppressant commonly found in more than 120 OTC cold medications either alone or in combination with other drugs such as analgesics, antihistamines, decongestants, or expectorants. When taken as directed, side effects are rarely observed. However, DXM is abused by individuals of all ages causing significant health complications.

H.R. 1259, the Dextromethorphan Distribution Act of 2009, would prohibit a person from: (1) possessing or receiving unfinished DXM unless the person is registered with the Secretary of HHS as a producer of a drug or device or otherwise registered, licensed, or approved under federal or state law to engage in specified pharmaceutical activities; or (2) distributing unfinished DXM to any person registered with HHS or otherwise registered, licensed, or approved under federal or state law to engage in specified pharmaceutical activities.

H.R. 1259 closely resembles H.R. 970, the Dextromethorphan Distribution Act of 2007, which passed the House, under suspension of the rules, in the 110th Congress. It is identical to S. 1378, also introduced in the 110th Congress. The main difference is that H.R. 1259 includes exemptions for persons who are registered, licensed, or approved under federal or state law to engage in specified pharmaceutical activities.

Legislative History

On March 3, 2009, H.R. 1259 was introduced in the House by Rep. Upton of Michigan and referred to the Committee on Energy and Commerce. H.R. 1259 was referred to the Subcommittee on Health on March 3, 2009. On March 3, 2009, the Subcommittee was discharged by the full Committee from further consideration of H.R. 1259.

On March 4, 2009, the Committee on Energy and Commerce met in open markup session to consider H.R. 1259 and the Committee ordered the bill favorably reported to the House without amendment by a voice vote.

On March 24, 2009, the Committee on Energy and Commerce filed the House report on H.R. 1259 (H. Rept. 111–49).

On March 31, 2009, the House passed H.R. 1259 without amendment, under suspension of the rules, by a rollcall vote of 407–8.

On April 1, 2009, the Senate received H.R. 1259 and the bill was referred to the Senate Committee on Health, Education, Labor, and Pensions.

No further action was taken on H.R. 1259 in the 111th Congress.

MEDICAL DEVICE SAFETY ACT OF 2009

(H.R. 1346)

To amend the Federal Food, Drug, and Cosmetic Act with respect to liability under state and local requirements respecting medical devices.

Summary

The Medical Device Amendments of 1976 (MDA) require the Food and Drug Administration to classify all medical devices into three risk-based categories subject to corresponding levels of regulation. “Class I” (low risk) devices, including rubber gloves and bedpans, are subject to minimal requirements. “Class II” (moderate risk) devices, including tampons and hearing aids, pose more serious risks to patients. FDA may require more stringent control of these products, such as specific warning labels. “Class III” (high risk) devices are those that either present “a potential unreason-

able risk of illness or injury” or are “purported or represented to be for a use in supporting or sustaining human life or for a use which is of substantial importance in preventing impairment of human health.” Except for devices that are substantially equivalent to devices already on the market in 1976, the MDA requires that all new Class III devices obtain premarket approval before they may be marketed.

The MDA requires manufacturers of all high-risk (Class III) devices to submit a premarket approval (PMA) application. Manufacturers of Class I and Class II devices are not required to obtain premarket approval before marketing their devices. The Class III PMA process requires that a company submit to FDA clinical data proving the safety and effectiveness of the product. Based on this information, FDA either grants or denies approval of the device. PMA devices are the most complex devices and are generally intended to treat serious and life-threatening conditions. Examples of PMA-approved devices include implantable defibrillators, heart valves and pumps, and hip and knee implants.

When patients are injured by devices, they may face permanent disability, inability to work, costly medical procedures, or death. There is no remedy under federal law by which patients may seek compensation for injuries from unsafe devices. In cases in which device manufacturers fail to warn of the risks or design defective products, patients traditionally have sought compensation for their injuries under state “tort” law. The ability to sue under state tort law has existed since before the Federal Food Drug and Cosmetic Act was enacted in 1938.

On February 20, 2008, the U.S. Supreme Court held for the first time, in *Riegel v. Medtronic*, that state lawsuits brought by individuals who suffered damages resulting from certain medical devices are preempted (barred) by the express preemption clause included in the MDA. The *Riegel* decision shields medical device companies from liability for failing to provide up-to-date warnings about PMA device risks or for defectively designing PMA devices. Since the MDA, courts had held companies responsible for their faulty devices and permitted patients to seek compensation for their injuries. Because of the new interpretation of the law by the Supreme Court, however, patients who are injured or killed as a result of faulty PMA devices can no longer seek compensation for their injuries. More than 1,400 lawsuits brought by patients injured by devices have been dismissed as a result of the *Riegel* decision.

H.R. 1346, the Medical Device Safety Act of 2009, would overturn the 2008 Supreme Court decision that eliminated the right of Americans injured by certain medical devices to bring state product liability lawsuits. The legislation would clarify the intent of Congress in the MDA by explicitly stating that actions for damages under state law are preserved. Specifically, the bill would amend the express preemption provision contained in section 521 of the Federal Food Drug and Cosmetic Act to add the following language: “(c) No Effect on Liability Under State Law.—Nothing in this section shall be construed to modify or otherwise affect any action for damages or the liability of any person under the law of any State.”

Legislative History

On March 5, 2009, H.R. 1346 was introduced in the House by Rep. Pallone of New Jersey and referred to the Committee on Energy and Commerce. The bill was referred to the Subcommittee on Health on March 6, 2009.

On May 12, 2009, the Subcommittee on Health held a hearing on H.R. 1346.

No further action was taken on H.R. 1346 in the 111th Congress.

CONCUSSION TREATMENT AND CARE TOOLS ACT OF 2009

(H.R. 1347)

To amend title III of the Public Health Service Act to provide for the establishment and implementation of concussion management guidelines with respect to school-aged children.

Summary

H.R. 1347, the Concussion Treatment and Care Tools Act of 2009, would direct the Secretary of HHS to establish concussion management guidelines that focus on the prevention and management of concussions in school-aged children, including standards for student athletes to return to play after a concussion. The legislation would authorize the Secretary of HHS to convene a conference of medical, athletic, and educational stakeholders to establish such guidelines. In addition, the bill would authorize the Secretary to make grants to states for adopting, disseminating, and ensuring the implementation by schools of the guidelines and for funding implementation by schools of preseason baseline and post-injury neuropsychological testing for student athletes. To carry out these grants, the bill would authorize \$5 million for fiscal year 2010 and such sums as may be necessary for each of fiscal years 2011 through 2014.

Legislative History

On March 5, 2009, H.R. 1347 was introduced in the House by Rep. Pascrell of New Jersey and referred to the Committee on Energy and Commerce.

On September 8, 2010, and September 15, 2010, the Subcommittee on Health held legislative hearings to consider H.R. 1347.

On September 16, 2010, the Subcommittee met in open markup session and H.R. 1347 was forwarded favorably to the full Committee, as amended, by voice vote.

On September 23, 2010, the Committee on Energy and Commerce met in open markup session, and H.R. 1347 was ordered favorably reported to the House, as amended, by a voice vote.

On September 28, 2010, the Committee on Energy and Commerce filed a House report on H.R. 1347 (H. Rept. 111-632).

On September 30, 2010, H.R. 1347, as amended, passed the House, under suspension of the rules by a voice vote.

On November 15, 2010, the Senate received H.R. 1347 with the House amendment and referred the bill to the Senate Committee on Health, Education, Labor, and Pensions.

No further action was taken on H.R. 1347 in the 111th Congress.

NATIONAL NEUROLOGICAL DISEASES SURVEILLANCE SYSTEM ACT OF
2010

(H.R. 1362)

To amend the Public Health Service Act to provide for the establishment of permanent national surveillance systems for multiple sclerosis, Parkinson's disease, and other neurological diseases and disorders.

Summary

H.R. 1362, the National Neurological Diseases Surveillance System Act of 2010, would require the Secretary of HHS to develop surveillance systems, in the form of registries, for both Multiple Sclerosis and Parkinson's disease. It would also require the Secretary to establish an advisory committee on Neurological Disease Registries to review and make recommendations on the surveillance activities authorized in the legislation, including the development and maintenance of the systems. To carry out these activities, the bill would authorize \$5 million for each of fiscal years 2010 through 2014.

Legislative History

On March 5, 2009, H.R. 1362 was introduced in the House by Rep. Van Hollen of Maryland and referred to the Committee on Energy and Commerce.

On March 15, 2010, the Subcommittee on Health held a legislative hearing to consider H.R. 1362.

On March 16, 2010, the Subcommittee on Health met in open markup session and H.R. 1362 was forwarded favorably to the full Committee, as amended, by a voice vote.

On March 23, 2010, the Committee on Energy and Commerce met in open markup session and H.R. 1362 was ordered favorably reported, as amended, to the House by a voice vote.

On March 28, 2010, the Committee on Energy and Commerce reported H.R. 1362 to the House, as amended (H. Rept. 111-636).

That same day, H.R. 1362 passed the House, under suspension of the rules, as amended, by a voice vote.

On March 29, 2010, H.R. 1362 was received in the Senate and referred to the Committee on Health, Education, Labor, and Pensions.

No further action was taken on H.R. 1362 in the 111th Congress.

JOSH MILLER HELPING EVERYONE ACCESS RESPONSIVE TREATMENT IN
SCHOOLS ACT OF 2009

(H.R. 1380)

To establish a grant program for automated external defibrillators in elementary and secondary schools.

Summary

H.R. 1380, the Josh Miller Helping Everyone Access Responsive Treatment in Schools Act of 2009, would amend the Elementary and Secondary Education Act of 1965 to direct the Secretary of Education to award matching grants to local educational agencies

(LEAs) to: (1) purchase automated external defibrillators (AEDs) for use in their schools; and/or (2) provide training to meet the grant requirement that at least five adult employees or volunteers at each school where an AED is to be used successfully complete training in its use and in cardiopulmonary resuscitation (CPR). The bill would require LEAs to provide matching funds equal to at least 25% of the grant, but waives such requirement for LEAs that serve a student population at least 20% of which is impoverished.

The bill would authorize sums as may be necessary for each of fiscal years 2010 through 2015 to carry out these activities.

Legislative History

On March 6, 2009, H.R. 1380 was introduced in the House by Rep. Sutton of Ohio and referred to the Committee on Education and Labor, and in addition to the Committee on Energy and Commerce.

On June 2, 2009, H.R. 1380 passed the House, under suspension of the rules, by a voice vote.

On June 3, 2009, H.R. 1380 was received in the Senate and referred to the Committee on Health, Education, Labor, and Pensions.

No further action was taken on H.R. 1380 in the 111th Congress.

TORTURE VICTIMS RELIEF REAUTHORIZATION ACT OF 2009

(H.R. 1511)

To amend the Torture Victims Relief Act of 1998 to provide assistance for domestic and foreign programs and centers for the treatment of victims of torture.

Summary

H.R. 1511, the Torture Victims Relief Reauthorization Act of 2009, would amend the Torture Victims Relief Act of 1998 to authorize \$25 million for each of fiscal years 2010 and 2011 for: (1) HHS for grants to domestic treatment centers for services for victims of torture; (2) foreign treatment centers for victims of torture; and (3) the United Nations Voluntary Fund for Victims of Torture.

Legislative History

On March 16, 2009, H.R. 1511 was introduced in the House by Rep. Smith of New Jersey and referred to the Committee on Foreign Affairs, and in addition to the Committee on Energy and Commerce.

On July 22, 2009, H.R. 1511 passed the House, under suspension of the rules, by a voice vote.

On July 23, 2009, H.R. 1511 was received in the Senate and referred to the Committee on Foreign Relations.

No further action was taken on H.R. 1511 in the 111th Congress.

BREAST CANCER PATIENT PROTECTION ACT OF 2009

(H.R. 1691)

To require private health insurance plans to provide coverage for a minimum hospital stay for mastectomies, lumpectomies, and

lymph node dissection for the treatment of breast cancer and coverage for secondary consultations.

Summary

H.R. 1691, the Breast Cancer Patient Protection Act of 2009, would amend the Employee Retirement Income Security Act of 1974 (ERISA), the Public Health Service Act, and the Internal Revenue Code to require a group health plan that provides medical and surgical benefits to ensure that inpatient and, in the case of a lumpectomy, outpatient coverage and radiation therapy are provided for breast cancer treatment. The bill would prohibit such a plan from restricting benefits for any hospital length of stay to less than 48 hours in connection with a mastectomy or breast conserving surgery, or 24 hours in connection with a lymph node dissection, insofar as the attending physician, in consultation with the patient, determines such stay to be medically necessary. H.R. 1691 would forbid such a plan from requiring that a provider obtain authorization from the plan or issuer for prescribing any such length of stay.

The legislation would require such a plan or issuer to provide notice to each participant and beneficiary regarding the coverage required under the legislation, and to ensure that coverage for secondary consultations. The bill would prohibit a group health plan from taking specified actions to avoid its requirements.

H.R. 1691 would apply the requirements to health insurance issuers offering coverage in the individual market. The bill would not allow a health insurance issuer that provides individual health insurance coverage to non-renew or discontinue an individual's coverage based on the intentional concealment of material facts regarding a health condition related to the condition for which coverage is being claimed.

Legislative History

On March 24, 2009, H.R. 1691 was introduced in the House by Rep. DeLauro of Connecticut and referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means and the Committee on Education and Labor.

On October 8, 2009, the Subcommittee on Health held a legislative hearing on H.R. 1691.

No further action was taken on H.R. 1691 in the 111th Congress.

BREAST CANCER EDUCATION AND AWARENESS REQUIRES LEARNING
YOUNG ACT OF 2009

(H.R. 1740, S. 994)

To amend the Public Health Service Act to increase awareness of the risks of breast cancer in young women and provide support for young women diagnosed with breast cancer.

Summary

H.R. 1740, the Breast Cancer Education and Awareness Requires Learning Young Act of 2009, would amend the Public Health Service Act to direct the Secretary of HHS, acting through the Director of CDC, to conduct a national evidence-based education campaign

to increase public awareness regarding the threats posed by breast cancer to young women, including the particular risks faced by certain ethnic and cultural groups. The legislation would also direct the Secretary to award grants to entities to establish national multimedia campaigns on such risks and strategies for addressing them.

In addition, the legislation would direct the Secretary, acting through the Director of CDC and in consultation with the Administrator of the Health Resources and Services Administration to conduct an educational campaign to increase awareness among physicians and other health care professionals. The Director would be instructed to conduct prevention research on breast cancer in younger women.

The bill would direct the Secretary to award grants to organizations and institutions to provide young women diagnosed with breast cancer substantive assistance and health information from credible sources on education and counseling regarding fertility preservation, social emotional, psychosocial, financial, lifestyle, and caregiver support, familial risk factors, and risk reduction strategies to reduce recurrence or metastasis.

Legislative History

On March 26, 2009, H.R. 1740 was introduced in the House by Rep. Wasserman Schultz of Florida and referred to the Committee on Energy and Commerce.

On October 8, 2009, the Subcommittee on Health held a legislative hearing on H.R. 1740 to discuss breast cancer prevention, research, treatment, and quality of care.

No further action was taken on H.R. 1740 in the 111th Congress, although provisions of S. 994, the Breast Cancer Education and Awareness Requires Learning Young Act of 2009 (companion legislation to H.R. 1740) introduced by Sen. Klobuchar of Minnesota, were included in the Patient Protection and Affordable Care Act (Public Law 111–148) and the Health Care and Education Reconciliation Act of 2010 (Public Law 111–152).

FAMILY HEALTH CARE ACCESSIBILITY ACT OF 2010

(H.R. 1745)

To amend the Public Health Service Act to provide liability protections for volunteer practitioners at health centers under section 330 of such Act.

Summary

Currently all medical professionals employed by health centers are covered under the Federal Tort Claims Act (FTCA) for medical malpractice. In order to receive this coverage, each health center must undergo extensive risk management training and have in place continuous oversight mechanisms to reduce the risk of malpractice. Individuals seeking to volunteer at a health center must either have their own independent coverage or rely on the Volunteer Protection Act (VPA), which can complicate a health center's risk management practices. VPA coverage does not have the same malpractice coverage as FTCA.

H.R. 1745, the Family Health Care Accessibility Act of 2010, would amend the Public Health Service Act to deem volunteer practitioners at health centers as employees of the Public Health Service for purposes of any civil action that may arise due to providing services to patients at such health centers. The bill would define “volunteer practitioner” as a licensed physician or licensed clinical psychologist who: (1) provides services to patients of a public or nonprofit entity receiving federal funds for serving medically underserved areas, at the request of the entity; (2) provides such service at a site at which the entity operates or at a site designated by the entity; and (3) does not receive any compensation for the provision of services.

Legislative History

On March 26, 2009, H.R. 1745 was introduced in the House by Rep. Tim Murphy of Pennsylvania and was referred to the Committee on Energy and Commerce.

On July 22, 2010, the Subcommittee on Health met in open markup session and H.R. 1745 was forwarded favorably to the full Committee, as amended, by a voice vote.

On June 28, 2010, the Committee on Energy and Commerce met in open markup session, and H.R. 1745 was ordered favorably reported, as amended, to the House by a voice vote.

On September 16, 2010, the Committee on Energy and Commerce reported H.R. 1745 to the House, as amended (H. Rept. 111-607).

On September 22, 2010, H.R. 1745 passed the House, under suspension of the rules, as amended, by a rollcall vote of 417-1.

On September 24, 2010, H.R. 1745 was received in the Senate and referred to the Committee on Health, Education, Labor, and Pensions.

No further action was taken on H.R. 1745 in the 111th Congress, although provisions of the legislation were included in the House-passed health reform bill (H.R. 3962).

DIABETES IN MINORITY POPULATIONS EDUCATION ACT OF 2010

(H.R. 1995)

To amend the Public Health Service Act to prevent and treat diabetes, to promote and improve the care of individuals with diabetes, and to reduce health disparities, relating to diabetes, within racial and ethnic minority groups, including the African-American, Hispanic American, Asian American, Native Hawaiian and Other Pacific Islander, and American Indian and Alaskan Native communities.

Summary

H.R. 1995, the Diabetes in Minority Populations Education Act of 2010, would require the Director of the National Institutes of Health (NIH) to expand and intensify ongoing research and other activities with respect to pre-diabetes and diabetes in minority populations and to support programs to treat diabetes in these populations.

It would also require the Director of NIH, acting through the National Center for Minority Health and Health Disparities and the National Diabetes Education Program, to carry out health care professional mentorship and participation in diabetes-focused research programs and activities and to make grants for a pipeline program running from high school to professional school designed to increase minority representation in diabetes-focused health fields. In addition, the legislation would direct the Diabetes Mellitus Inter-agency Coordinating Committee to assess federal activities and programs related to diabetes in minority populations.

H.R. 1995 would require the Secretary of HHS, acting through the Director of CDC to conduct and support research and other activities with respect to diabetes in minority populations, conduct and support public education efforts, and carry out culturally-appropriate diabetes health promotion programs. In addition, the bill would require the Secretary, acting through the Administrator of HRSA to conduct and support programs to educate health professionals on diabetes in minority populations.

The bill would set forth additional requirements for the Secretary relating to (1) factors that may influence health promotion, diabetes management and prevention; (2) data collection on diabetes treatment, care, prevention, and services to the American Indian population; and (3) increased participation of minority populations in clinical trials, and specialized care for children with diabetes.

H.R. 1995 would authorize such sums as may be necessary for fiscal year 2010 and each subsequent fiscal year to carry out these activities.

Legislative History

On April 21, 2009, H.R. 1995 was introduced in the House by Rep. DeGette of Colorado and referred to the Committee on Energy and Commerce.

On September 15, 2010, the Subcommittee on Health held a legislative hearing on H.R. 1995.

On September 16, 2010, the Subcommittee on Health met in open markup session and H.R. 1995 was forwarded favorably, amended, to the full Committee by a voice vote.

On September 23, 2010, the Committee on Energy and Commerce met in open markup session on H.R. 1995 and ordered the bill favorably reported to the House, as amended, by a voice vote.

On September 28, 2010, H.R. 1995 passed the House, as amended, under suspension of the rules, by a voice vote.

On September 29, 2010, the Senate received H.R. 1995 with the House amendment and referred the bill to the Senate Committee on Health, Education, Labor, and Pensions.

No further action was taken on H.R. 1995 in the 111th Congress.

SCLERODERMA RESEARCH AND AWARENESS ACT OF 2010

(H.R. 2408)

To expand the research and awareness activities of the National Institute of Arthritis and Musculoskeletal and Skin Diseases and the Centers for Disease Control and Prevention with respect to scleroderma.

Summary

H.R. 2408, the Scleroderma Research and Awareness Act of 2010, would direct the Director of the National Institute of Arthritis and Musculoskeletal and Skin Diseases (NIAMS) to expand, intensify, and coordinate activities relating to scleroderma, a chronic systemic autoimmune disease that involves changes in the skin, blood vessels, muscles, and internal organs. It would require the Director of NIAMS to research the causes and treatment of scleroderma and to establish a scleroderma patient registry at authorization levels of \$25 million for fiscal year 2010, \$30 million for fiscal year 2011 and \$35 million for fiscal year 2012.

The legislation also would require the Director of CDC to carry out an education campaign to increase awareness of scleroderma. The bill would authorize \$2.5 million for fiscal years 2010 through 2012 for the education campaign and its corresponding activities.

Legislative History

On May 14, 2009, H.R. 2408 was introduced in the House by Rep. Capps of California and referred to the Committee on Energy and Commerce. H.R. 2408 was referred to the Subcommittee on Health on May 15, 2009.

On September 15, 2010, the Subcommittee on Health held a legislative hearing on H.R. 2408.

On September 16, 2010, the Subcommittee on Health met in open markup session on H.R. 2408 and favorably forwarded the bill to the full Committee, amended, by a voice vote.

On September 23, 2010, the Committee on Energy and Commerce met in open markup session on H.R. 2408 and ordered the bill favorably reported to the House, as amended, by a voice vote.

On September 28, 2010, the Committee on Energy and Commerce filed the House report on H.R. 2408 (H. Rept. 111–631).

On September 30, 2010, H.R. 2408, passed the House, as amended, under suspension of the rules, by a voice vote.

On November 15, 2010, the Senate received H.R. 2408 with the House amendment and referred the bill to the Senate Committee on Health, Education, Labor, and Pensions.

No further action was taken on H.R. 2408 in the 111th Congress.

METHAMPHETAMINE EDUCATION, TREATMENT, AND HOPE ACT OF 2010

(H.R. 2818)

To amend the Public Health Service Act to provide for the establishment of a drug-free workplace information clearinghouse, to support residential methamphetamine treatment programs for pregnant and parenting women, and to improve the prevention and treatment of methamphetamine addiction.

Summary

H.R. 2818, the Methamphetamine Education, Treatment, and Hope Act of 2010, expands and strengthens the activities of the Substance Abuse and Mental Health Services Administration (SAMHSA) to address the prevention and treatment of addiction to methamphetamine and other drugs. It would refine an existing family-centered residential drug treatment program for pregnant

and postpartum women and authorizes \$20 million for fiscal year 2010, \$21 million for fiscal year 2011, \$22 million for fiscal year 2012, \$23 million for fiscal year 2013, and \$24 million for fiscal year 2014. The bill would also require support for a workplace-based drug information clearinghouse, and student involvement in prevention programs for methamphetamine and other drugs.

Legislative History

On June 11, 2009, H.R. 2818 was introduced in the House by Rep. McNerney of California and referred to the Committee on Energy and Commerce. H.R. 2818 was referred to the Subcommittee on Health on June 12, 2009.

On September 15, 2010, the Subcommittee on Health held a legislative hearing on H.R. 2818.

On September 16, 2010, the Subcommittee on Health met in an open markup session on H.R. 2818 and favorably forwarded the bill to the full Committee, amended, by a voice vote.

On September 23, 2010, the Committee on Energy and Commerce met in open markup session on H.R. 2818 and ordered the bill favorably reported to the House, as amended, by a voice vote.

On September 28, 2010, the Committee on Energy and Commerce filed the House report on H.R. 2818 (H. Rept. 111-641).

On September 30, 2010, H.R. 2818 passed the House, as amended, under suspension of the rules, by a voice vote.

On November 15, 2010, the Senate received H.R. 2818 with the House amendment and referred the bill to the Senate Committee on Health, Education, Labor, and Pensions.

No further action was taken on H.R. 2818 in the 111th Congress.

VETERINARY PUBLIC HEALTH AMENDMENTS ACT OF 2010

(H.R. 2999)

To amend the Public Health Service Act to enhance and increase the number of veterinarians trained in veterinary public health.

Summary

H.R. 2999, the Veterinary Public Health Amendments Act of 2010, would authorize a competitive grant program for schools of veterinary medicine. Schools can use these grants for faculty recruitment, physical capacity expansion, or the development of curricula to retrain midcareer professionals. H.R. 2999 would authorize \$100 million for fiscal year 2010, \$100 million for fiscal year 2011 and \$50 million for each of fiscal years 2012 through 2014 for these activities.

The legislation would also establish a loan repayment program whereby the federal government repays loans for veterinarians that make a four-year teaching commitment at a school of veterinary medicine. It would authorize \$20 million for each of fiscal years 2010 through 2014 for this program. In addition, the bill would create two fellowship programs for public health veterinarians to be administered by HHS, but that would be available to all federal agencies that utilize public health veterinarians. H.R. 2999 would authorize \$2.5 million for each of fiscal years 2010 through 2014

to support these fellowships. The bill would also establish a Division of Veterinary Medicine and Public Health at HRSA.

Legislative History

On June 23, 2009, H.R. 2999 was introduced in the House by Rep. Baldwin of Wisconsin and referred to the Committee on Energy and Commerce. H.R. 2999 was referred to the Subcommittee on Health on June 24, 2009.

On September 15, 2010, the Subcommittee on Health held a legislative hearing on H.R. 2999.

On September 16, 2010, the Subcommittee on Health met in an open markup session on H.R. 2999 and favorably forwarded the bill to the full Committee, amended, by a voice vote.

On September 23, 2010, the Energy and Commerce met in an open markup session, and H.R. 2999 was ordered favorably reported, as amended, by a voice vote.

On September 28, 2010, the Committee on Energy and Commerce filed the House report on H.R. 2999 (H. Rept. 111-634).

On September 30, 2010, the House passed H.R. 2999, as amended, under suspension of the rules, by a voice vote.

On November 11, 2010, the Senate received H.R. 2999 with the House amendment and referred the bill to the Senate Committee on Health, Education, Labor, and Pensions.

No further action was taken on H.R. 2999 in the 111th Congress.

EMERGENCY MEDIC TRANSITION ACT OF 2010

(H.R. 3199)

To amend the Public Health Service Act to provide grants to state emergency medical service departments to provide for the expedited training and licensing of veterans with prior medical training.

Summary

H.R. 3199, Emergency Medic Transition Act of 2010, would amend the Public Health Service Act to require the Secretary of Health and Human Services to establish a program of awarding grants to states to assist veterans who received and completed military emergency medical training while serving in the U.S. Armed Forces to become, upon their discharge or release from active duty service, state-licensed or certified emergency medical technicians. The bill would allow such funds to be used to: (1) provide such veterans required course work and training (that takes into account, and is not duplicative of, medical course work and training already received) to satisfy emergency medical services personnel certification requirements in the civilian sector; (2) provide reimbursement for costs associated with such course work and training and with applying for licensure or certification; (3) expedite the licensing or certification process; and (4) enter into an agreement with an educational institution to provide course work and training under this Act. H.R. 3199 would require a state, to be eligible for a grant under this Act, to demonstrate that it has a shortage of emergency medical technicians.

The legislation would direct the Comptroller General to study the barriers experienced by such veterans seeking to become licensed or certified in a state as civilian health professionals, and to report to Congress on the results of such study, including recommendations on whether the program under the legislation should be expanded to assist veterans seeking to become licensed or certified in a state as health providers other than emergency medical technicians.

Legislative History

On July 14, 2009, H.R. 3199 was introduced in the House by Rep. Harmon of California and referred to the Committee on Energy and Commerce. The bill was referred to the Subcommittee on Health on July 15, 2009.

On July 22, 2010, the Subcommittee on Health met in an open markup session on H.R. 3199 and favorably forwarded the bill to the full Committee, amended, by a voice vote.

On July 28, 2010, the Committee on Energy and Commerce met in open markup session on H.R. 3199 and ordered the bill favorably reported to the House, as amended, by a voice vote.

On September 16, 2010, the Committee on Energy and Commerce filed the House report on H.R. 3199 (H. Rept. 111-608).

On September 23, 2010, the House passed H.R. 3199, as amended, under suspension of the rules, by a rollcall vote of 412-5.

On September 24, 2010, the Senate received H.R. 3199 with the House amendment and the bill was referred to the Senate Committee on Health, Education, Labor, and Pensions.

No further action was taken on H.R. 3199 in the 111th Congress, although provisions of the legislation were included in the House-passed health reform bill (H.R. 3962).

NATIONALLY ENHANCING THE WELLBEING OF BABIES THROUGH OUTREACH AND RESEARCH NOW ACT

(H.R. 3470)

To authorize funding for the creation and implementation of infant mortality pilot programs in standard metropolitan statistical areas with high rates of infant mortality.

Summary

H.R. 3470, the Nationally Enhancing the Wellbeing of Babies Through Outreach and Research Now Act, would require the Secretary of HHS, acting through the Administrator of HRSA, to award five-year grants to eligible entities to create, implement, and oversee infant mortality pilot programs. The bill would define “eligible entity” to mean a state, county, city, territorial or tribal health department that has submitted a proposal to the Secretary that the Secretary deems likely to reduce infant mortality rates within the standard metropolitan statistical area involved.

The legislation would require the Secretary to give preference to eligible entities proposing to serve any of the 15 counties or groups of counties with the highest rates of infant mortality in the United States in the past three years. It would set forth uses of grant funds, which may include: (1) developing a plan that identifies the

individual needs of each community to be served and strategies to address those needs; (2) providing outreach to at-risk mothers; (3) developing and implementing standardized systems for improved access, utilization, and quality of social, educational, and clinical services to promote healthy pregnancies, full-term births, and healthy infants; (4) establishing a rural outreach program to provide care to at-risk mothers in rural areas; and (5) establishing a regional public education campaign.

Legislative History

On July 31, 2009, H.R. 3470 was introduced in the House by Rep. Cohen of Tennessee and referred to the Committee on Energy and Commerce. The bill was referred to the Subcommittee on Health on September 8, 2009.

On July 22, 2010, the Subcommittee on Health met in open markup session on H.R. 3470 and favorably forwarded the bill to the full Committee, amended, by a voice vote.

On July 28, 2010, the Committee on Energy and Commerce met in open markup session on H.R. 3470 and ordered the bill favorably reported to the House, amended, by a voice vote.

On September 16, 2010, the Committee on Energy and Commerce filed the House report on H.R. 3470 (H. Rept. 111-609).

On September 22, 2010, the House passed H.R. 3470, as amended, under suspension of the rules, by a rollcall vote of 324-64.

On September 23, 2010, the Senate received H.R. 3470 with the House amendment and referred the bill to the Senate Committee on Health, Education, Labor, and Pensions.

No further action was taken on H.R. 3470 in the 111th Congress, although provisions of the legislation were included in the House-passed health reform bill (H.R. 3962).

EUNICE KENNEDY SHRIVER ACT

(H.R. 5220)

To reauthorize the Special Olympics Sport and Empowerment Act of 2004 and to provide assistance to Best Buddies to support the expansion and development of mentoring programs.

Summary

H.R. 5220, the Eunice Kennedy Shriver Act, would reauthorize the Special Olympics Sport and Empowerment Act of 2004, the expansion of Best Buddies, and the establishment of the Eunice Kennedy Shriver Institutes for Sport and Social Impact. It would direct the Secretary of HHS to award grants to Special Olympics for health-related activities, including community-based prevention; and the Secretary of the Department of Education to award grants to Special Olympics for education-related activities outside of the United States. The bill would authorize appropriations of \$22.5 million for fiscal years 2011 through 2015, to carry out activities to support and expand Special Olympics.

H.R. 5220 would also authorize the Secretary of Education to award grants to promote the expansion of Best Buddies, and appropriations of \$10 million for fiscal years 2011 through 2015 to carry out activities to expand and support Best Buddies.

In addition, the legislation would direct the Secretary of Education to award grants to institutions of higher education to establish Eunice Kennedy Shriver Institutes for Sport and Social Impact. The bill would authorize such sums as may be necessary for fiscal years 2011 through 2015 for this purpose.

Legislative History

On May 5, 2010, H.R. 5220 was introduced in the House by Rep. Hoyer of Maryland and referred to the Committee on Education and Labor, and in addition to the Committee on Energy and Commerce, and the Committee on Foreign Affairs.

On May 19, 2010, H.R. 5220, as amended, passed the House, under suspension of the rules by a voice vote.

On May 20, 2010, the Senate received H.R. 5220 with the House amendment and referred the bill to the Senate Committee on Health, Education, Labor, and Pensions.

No further action was taken on H.R. 5220 in the 111th Congress.

GESTATIONAL DIABETES ACT OF 2009

(H.R. 5354)

To provide grants to better understand and reduce gestational diabetes.

Summary

H.R. 5354, the Gestational Diabetes Act of 2009, targets resources specifically at gestational diabetes, a form of diabetes that traditionally receives far less attention and fewer resources than other types of that disease. The bill would amend the Public Health Service Act to require the Secretary of Health and Human Services, acting through the Director of Centers for Disease Control and Prevention, to convene a Research Advisory Committee on gestational diabetes. The bill would require the Director, in consultation with such Committee, to develop a multisite, gestational diabetes research project within CDC's diabetes program to expand and enhance surveillance data and public health research on gestational diabetes.

The legislation would also require the Secretary, acting through the Director, to award grants to nonprofit organizations or state or local health agencies for demonstration projects that build capacity with key stakeholders, build new surveillance systems, and implement and evaluate evidence-based interventions to reduce the incidence of gestational diabetes and its recurrence and to prevent type 2 diabetes after pregnancy.

In addition, H.R. 5354 would require the Director of CDC to conduct and support public health research regarding gestational diabetes, including the development and testing of novel approaches for improving postpartum diabetes testing or screening and for preventing type 2 diabetes in women with a history of gestational diabetes; and research to further understand the epidemiologic, socioenvironmental, behavioral, translation, and biomedical factors and health systems that influence the risk of gestational diabetes and progression to type 2 diabetes.

The Director of CDC would be required to encourage postpartum screenings after the diagnosis of gestational diabetes within the state-based diabetes prevention and control programs to reduce the incidence of gestational diabetes and its recurrence, progression to type 2 diabetes, and its related complications. The bill would authorize \$5 million for each of fiscal years 2010 through 2014 for these activities.

Legislative History

On May 20, 2010, H.R. 5354 was introduced in the House by Rep. Engel of New York and referred to the Committee on Energy and Commerce. H.R. 5354 was referred to the Subcommittee on Health on May 21, 2010.

On September 15, 2010, the Subcommittee on Health held a legislative hearing on H.R. 5354.

On September 16, 2010, the Subcommittee on Health met in an open markup session on H.R. 5354 and favorably forwarded the bill to the full Committee, amended, by a voice vote.

On September 23, 2010, the Committee on Energy and Commerce met in open markup session on H.R. 5462 and ordered the bill favorably reported to the House, as amended, by a voice vote.

On September 28, 2010, the Committee on Energy and Commerce filed the House report on H.R. 5462 (H. Rept. 111–633).

On September 30, 2010, the House passed H.R. 5354, under suspension of the rules, as amended, by a voice vote.

On November 15, 2010, the Senate received H.R. 5354 with the House amendment and referred the bill to the Senate Committee on Health, Education, Labor, and Pensions.

No further action was taken on H.R. 5354 in the 111th Congress.

BIRTH DEFECTS PREVENTION, RISK REDUCTION, AND AWARENESS ACT OF 2010

(H.R. 5462)

To amend title III of the Public Health Service Act to authorize the Secretary of Health and Human Services to establish and implement birth defects prevention, risk reduction, and public awareness programs.

Summary

H.R. 5462, the Birth Defects Prevention, Risk Reduction, and Awareness Act of 2010, would require the Secretary of the Department of Health and Human Services (HHS), acting through the Director of the Centers for Disease Control and Prevention (CDC), to establish and implement a birth defects prevention and public awareness program, which includes (1) a nationwide media campaign to increase awareness among health care providers and at-risk populations about pregnancy and breastfeeding information services; (2) grants for the provision of, or campaigns to increase awareness about, pregnancy and breastfeeding information services; and (3) grants for the conduct or support of surveillance of or research on maternal exposures and maternal health conditions that may influence the risk of adverse pregnancy outcomes and

maternal exposures that may influence health risks to a breastfed infant, or of networking to facilitate such surveillance or research.

H.R. 5462 would authorize \$5 million for fiscal year 2011; \$6 million for fiscal year 2012; \$7 million for fiscal year 2013; \$8 million for fiscal year 2014; and \$9 million for fiscal year 2015 to carry out these activities.

Legislative History

On May 28, 2010, H.R. 5462 was introduced in the House by Rep. DeLauro of Connecticut and referred to the Committee on Energy and Commerce. The bill was referred to the Subcommittee on Health on June 8, 2010.

On September 15, 2010, the Subcommittee on Health held a legislative hearing on H.R. 5462.

On September 16, 2010, the Subcommittee on Health met in an open markup session on H.R. 5462 and favorably forwarded the bill to the full Committee, amended, by a voice vote.

On September 23, the Committee on Energy and Commerce met in open markup session on H.R. 5462 and was ordered favorably reported, as amended, by a voice vote.

On September 28, 2010, the Committee on Energy and Commerce filed the House report on H.R. 5462 (H. Rept. 111-642).

On September 30, 2010, the House passed H.R. 5462, as amended, under suspension of the rules, by a voice vote.

On November 15, 2010, the Senate received H.R. 5462 with the House amendment and referred the bill to the Senate Committee on Health, Education, Labor, and Pensions.

No further action was taken on H.R. 5462 in the 111th Congress.

NATIONAL ALL SCHEDULES PRESCRIPTION ELECTRONIC REPORTING REAUTHORIZATION ACT OF 2010

(H.R. 5710)

To amend and reauthorize the controlled substance monitoring program under section 3990 of the Public Health Service Act.

Summary

The National All Schedules Prescription Electronic Reporting Act (NASPER), enacted in 2005, created a grant program within HHS and administered by SAMHSA for states to establish prescription drug monitoring programs (PDMPs). PDMPs track drug prescriptions with the goal of preventing overuse and illegal diversion.

H.R. 5710, the National All Schedules Prescription Electronic Reporting Reauthorization Act of 2010, would reauthorize NASPER and provide funds to states to establish, improve, and maintain PDMPs. It would ensure that appropriate law enforcement, regulatory, and state professional licensing authorities have access to prescription history information for the purposes of investigating drug diversion and errant prescriber/pharmacist prescribing and dispensing practices. Under current law, states adjacent to other states with NASPER grants must submit a plan for interoperability among the states' systems. H.R. 5710 would specify that state interoperability plans must include timelines for implementation, and would direct HHS to monitor such efforts. The legislation

would authorize \$15 million for fiscal year 2011 and \$10 million for fiscal years 2012 and 2013.

Legislative History

On July 1, 2010, H.R. 5710 was introduced in the House by Rep. Whitfield of Kentucky and referred to the Committee on Energy and Commerce. H.R. 5710 was referred to the Subcommittee on Health on July 13, 2010.

On July 22, 2010, the Subcommittee on Health held a legislative hearing on H.R. 5710. That same day, the Subcommittee on Health met in open markup session on H.R. 5710 and favorably forwarded the bill to the full Committee, amended, by a voice vote.

On July 28, 2010, the Committee on Energy and Commerce met in open markup session on H.R. 5710 and ordered the bill favorably reported to the House, as amended, by a voice vote.

On September 22, 2010, the Committee on Energy and Commerce filed the House report on H.R. 5710 (H. Rept. 111–616).

On September 23, 2010, the House passed H.R. 5710, as amended, under suspension of the rules, by a rollcall vote of 384–32.

On September 24, 2010, the Senate received H.R. 5710 with the House amendment and referred the bill to the Senate Committee on Health, Education, Labor, and Pensions.

No further action was taken on H.R. 5710 in the 111th Congress.

TRAINING AND RESEARCH FOR AUTISM IMPROVEMENTS NATIONWIDE
ACT OF 2010 (“TRAIN ACT OF 2010”)

(H.R. 5756)

To amend subtitle D of title I of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 to provide grants and technical assistance to University Centers for Excellence in Developmental Disabilities Education, Research, and Service to improve services rendered to children and adults on the autism spectrum, and their families.

Summary

H.R. 5756, Training and Research for Autism Improvements Nationwide Act of 2010, would amend title I of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 to require the Secretary of HHS to award grants to provide individuals (including parents and health, allied health, vocational, and educational professionals) with interdisciplinary training, continuing education, technical assistance, and information to improve services rendered to children and adults with autism and their families. Funding is authorized at \$17 million for each of fiscal years 2012 through 2016.

The bill would also require the Secretary of HHS to award grants to institutions of higher education to establish up to four new University Centers for Excellence in Developmental Disabilities Education, Research, and Service (UCEDD). Priority would be given to applicants that demonstrate collaboration with minority institutions. Funding would be authorized at \$2 million for each of fiscal years 2012 through 2016.

Legislative History

On July 15, 2010, H.R. 5756 was introduced in the House by Rep. Doyle of Pennsylvania and referred to the Committee on Energy and Commerce. The bill was referred to the Subcommittee on Health on July 19, 2010.

On July 22, 2010, the Subcommittee on Health met in an open markup session on H.R. 5756, and favorably forwarded the bill to the full Committee, amended, by a voice vote.

On July 28, 2010, the Committee on Energy and Commerce met in open markup session on H.R. 5756 and ordered the bill favorably reported to the House, amended, by a voice vote.

On September 22, 2010, the Committee on Energy and Commerce filed the House report on H.R. 5756 (H. Rept. 111–617).

On September 23, 2010, the House passed H.R. 5756, under suspension of the rules, as amended, by a rollcall vote of 393–24.

On September 24, 2010, the Senate received H.R. 5756 with the House amendment and referred the bill to the Senate Committee on Health, Education, Labor, and Pensions.

No further action was taken on H.R. 5756 in the 111th Congress, although provisions of the legislation were included in the House-passed health reform bill (H.R. 3962).

NEGLECTED INFECTIONS OF IMPOVERISHED AMERICANS ACT OF 2010

(H.R. 5986)

To require the submission of a report to Congress on parasitic diseases among poor Americans.

Summary

H.R. 5986, the Neglected Infections of Impoverished Americans Act of 2010, would require the Secretary of HHS to report to Congress on the epidemiology and impact of neglected infectious diseases of poverty in the United States. Such diseases include Chaga's disease, cysticercosis, toxocariasis, toxoplasmosis, trichomoniasis, the soil-transmitted helminths, and other related diseases. H.R. 5986 would require the report to provide the information necessary to guide future health policy to accurately evaluate the current state of knowledge concerning such diseases and define gaps in such knowledge, and to address the threat of such diseases. The bill would require the Secretary to appropriate funding required to address these neglected diseases of poverty.

Legislative History

On July 30, 2010, H.R. 5986 was introduced in the House by Rep. Johnson of Georgia and referred to the Committee on Energy and Commerce. The bill was referred to the Subcommittee on Health on August 9, 2010.

On September 15, 2010, the Subcommittee on Health held a legislative hearing on H.R. 5986.

On September 16, 2010, the Subcommittee on Health met in an open markup session on H.R. 5986 and favorably forwarded the bill to the full Committee by a voice vote.

On September 23, 2010, the Committee on Energy and Commerce met in open markup session on H.R. 5986 and ordered the bill favorably reported to the House by a voice vote.

On September 28, 2010, the House passed H.R. 5986, under suspension of the rules, by a voice vote.

On September 29, 2010, the Senate received H.R. 5986 and referred the bill to the Senate Committee on Health, Education, Labor, and Pensions.

No further action was taken on H.R. 5986 in the 111th Congress, although provisions of the legislation were included in the House-passed health reform bill (H.R. 3962).

TO DIRECT THE SECRETARY OF HEALTH AND HUMAN SERVICES TO REVIEW UTILIZATION OF DIABETES SCREENING BENEFITS AND MAKE RECOMMENDATIONS ON OUTREACH PROGRAMS WITH RESPECT TO SUCH BENEFITS

(H.R. 6012)

To direct the Secretary of Health and Human Services to review utilization of diabetes screening benefits, and make recommendations on outreach programs with respect to such benefits.

Summary

H.R. 6012 would require the Secretary of HHS to review the utilization of diabetes screening benefits and identify existing efforts by HHS agencies, and private and non-profit sectors, to increase awareness of diabetes screening benefits. An annual report to Congress on these activities would be required.

Legislative History

On July 30, 2010, H.R. 6012 was introduced in the House by Rep. Space of Ohio and referred to the Committee on Energy and Commerce. The bill was referred to the Subcommittee on Health on August 9, 2010.

On September 15, 2010, the Subcommittee on Health held a legislative hearing on H.R. 6012.

On September 16, 2010, the Subcommittee on Health met in open markup session on H.R. 6012 and favorably forwarded the bill to the full Committee, amended, by a voice vote.

On September 23, 2010, the Committee on Energy and Commerce met in open markup session on H.R. 6012 and ordered the bill favorably reported to the House, as amended, by a voice vote.

On September 28, 2010, the House passed H.R. 6012, as amended, under suspension of the rules, by a voice vote.

On September 29, 2010, the Senate received H.R. 6012 with the House amendment and referred the bill to the Senate Committee on Health, Education, Labor, and Pensions.

No further action was taken on H.R. 6012 in the 111th Congress.

STEM CELL THERAPEUTIC AND RESEARCH REAUTHORIZATION ACT OF
2010

Public Law 111-264 (H.R. 6081, S. 3751)

To amend the Stem Cell Therapeutic and Research Act of 2005.

Summary

H.R. 6081, the Stem Cell Therapeutic and Research Reauthorization Act of 2010, would reauthorize the C.W. Bill Young Cell Transplantation Program which includes the National Registry for adult donors of bone marrow, peripheral blood adult stem cells, and umbilical cord blood units, the Office of Patient Advocacy, and the stem cell therapeutic outcomes database. The legislation would authorize \$30 million for each of fiscal years 2011 through 2014 and \$33 million for fiscal year 2015 to support these activities. It would also reauthorize the National Cord Blood Inventory (NCBI), a program that provides grants to public cord blood banks to assist them in collecting donated cord blood units that are then listed on the National Registry. The bill would authorize \$23 million for each of fiscal years 2011 through 2014 and \$20 million for fiscal year 2015 for the NCBI.

Legislative History

On August 9, 2010, H.R. 6081 was introduced in the House by Rep. Young of Florida and referred to the Committee on Energy and Commerce. The bill was referred to the Subcommittee on Health on August 10, 2010.

On September 15, 2010, the Subcommittee on Health held a legislative hearing on H.R. 6081.

On September 16, 2010, the Subcommittee on Health met in open markup session on H.R. 6081 and favorably forwarded the bill to the full Committee, amended, by a voice vote.

On September 23, 2010, the Committee on Energy and Commerce met in open markup session on H.R. 6081 and ordered the bill favorably reported to the House, amended, by a voice vote.

On September 28, 2010, the Committee on Energy and Commerce filed the House report on H.R. 6081 (H. Rept. 111-643).

No further action was taken on H.R. 6081 in the 111th Congress, as the House took up the Senate-passed companion bill, S. 3751.

On August 5, 2010, S. 3751, the Stem Cell Therapeutic and Research Reauthorization Act of 2010 (companion legislation to H.R. 6081) was introduced in the Senate by Sen. Hatch of Utah and referred to the Committee on Health, Education, Labor, and Pensions.

On September 23, 2010, the Committee on the Health, Education, Labor, and Pensions met in open markup session, and S. 3751 was ordered favorably reported, amended, to the Senate.

On September 28, 2010, the Senate passed S. 3751 with an amendment by unanimous consent.

On September 30, 2010, the House passed S. 3751, as amended by the Senate, under suspension of the rules by a voice vote, clearing the measure for the White House.

On October 8, 2010, S. 3751 was signed into law by the President and became Public Law 111-264.

HEALTH DATA COLLECTION IMPROVEMENT ACT OF 2010

(H.R. 6109)

To amend the Public Health Service Act to require the Secretary of Health and Human Services to ensure the voluntary collection

of data on the sexual orientation and gender identity of individuals participating in appropriate federal health programs and surveys.

Summary

H.R. 6109, the Health Data Collection Improvement Act of 2010, would amend the Public Health Service Act to provide for the voluntary collection of data on sexual orientation and gender identity, as appropriate and practicable, in programs and surveys supported by the Department of Health and Human Services. It would require the HHS Secretary to develop standards for the development of questions and the appropriate and confidential collection of such information. It would also direct that this information be analyzed to assess disparities in health status and access to health care.

Legislative History

On September 14, 2010, H.R. 6109 was introduced in the House by Rep. Baldwin of Wisconsin and referred to the Committee on Energy and Commerce, and on the same day to the Subcommittee on Health.

On September 15, 2010, the Subcommittee held a legislative hearing on H.R. 6109.

On September 16, 2010, the Subcommittee on Health met in an open markup session to consider H.R. 6109. The Subcommittee favorably forwarded H.R. 6109 to the full Committee, amended, by a rollcall vote of 12–10.

There was no further action taken on H.R. 6109 in the 111th Congress, although provisions of the legislation were included in the House-passed health reform bill (H.R. 3962).

TELEHEALTH IMPROVEMENT AND EXPANSION ACT OF 2010

(H.R. 6110)

To amend the Public Health Service Act to reauthorize telehealth and telemedicine grant programs.

Summary

H.R. 6110, the Telehealth Improvement and Expansion Act of 2010, would amend the Public Health Service Act to reauthorize three telehealth programs administered by HRSA, including the telehealth network program, the telehealth resource center program, and incentive grants to coordinate telemedicine activities among the states. The bill would revise the requirements for funding priorities within both the telehealth network and telehealth resource center programs. It would authorize each of the three programs at \$10 million for each of fiscal years 2012 through 2016.

Legislative History

On September 14, 2010, H.R. 6110 was introduced in the House by Rep. Butterfield of North Carolina and referred to the Committee on Energy and Commerce. The bill was referred to the Subcommittee on Health on September 15, 2010.

On September 15, 2010, the Subcommittee on Health held a legislative hearing to consider H.R. 6110.

No further action was taken on H.R. 6110 in the 111th Congress, although provisions of the legislation were included in the House-passed health reform bill (H.R. 3962).

SUPPORTING THE GOALS AND IDEALS OF MULTIPLE SCLEROSIS
AWARENESS WEEK

(H. Con. Res. 14)

Summary

H. Con. Res. 14 expresses support for the goals and ideals of Multiple Sclerosis Awareness Week.

Legislative History

On January 8, 2009, H. Con. Res. 14 was introduced in the House by Rep. Lee of California and referred to the Committee on Energy and Commerce.

On March 5, 2009, H. Con. Res. 14 passed the House, under suspension of the rules, by a rollcall vote of 416–0.

On March 6, 2009, the Senate received H. Con. Res. 14 and referred the resolution to the Senate Committee on Health, Education, Labor, and Pensions.

No further action was taken on H. Con. Res. 14 in the 111th Congress.

On March 2, 2009, S. Con. Res. 9, a Concurrent Resolution Supporting the Goals and Ideals of Multiple Sclerosis Awareness Week (companion legislation to H. Con. Res. 14) was introduced in the Senate by Sen. Casey of Pennsylvania. That same day S. Con. Res. 9 passed the Senate by unanimous consent.

On March 3, 2009, S. Con. Res. 9 was referred to the House Committee on Energy and Commerce.

No further action was taken on S. Con. Res. 9 in the 111th Congress.

SUPPORTING THE OBSERVANCE OF COLORECTAL CANCER AWARENESS
MONTH

(H. Con. Res. 60)

Summary

H. Con. Res. 60 expresses support for the observance of Colorectal Cancer Awareness Month.

Legislative History

On February 25, 2009, H. Con. Res. 60 was introduced in the House by Rep. Granger of Texas and referred to the Committee on Energy and Commerce.

On March 30, 2009, the House passed H. Con. Res. 60, under suspension of the rules, by a voice vote.

On March 31, 2009, the Senate received H. Con. Res. 60 and the resolution was referred to the Senate Committee on Health, Education, Labor, and Pensions.

No further action was taken on H. Con. Res. 60 in the 111th Congress.

HONORING THE 20TH ANNIVERSARY OF THE SUSAN G. KOMEN RACE
FOR THE CURE IN THE NATION'S CAPITAL AND ITS TRANSITION TO
THE SUSAN G. KOMEN GLOBAL RACE FOR THE CURE ON JUNE 6, 2009

(H. Con. Res. 109)

Summary

H. Con. Res. 109 honors the 20th anniversary of the Susan G. Komen Global Race for the Cure, an event to raise funds for research and education on breast cancer.

Legislative History

On April 27, 2009, H. Con. Res. 109 was introduced in the House by Rep. Connolly of Virginia and referred to the Committee on Energy and Commerce.

On June 3, 2009, H. Con. Res. 109 passed the House, under suspension of the rules, by a rollcall vote of 417–0.

On June 8, 2009, the Senate passed H. Con. Res. 109 by unanimous consent.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL WOMEN'S HEALTH
WEEK

(H. Con. Res. 120)

Summary

H. Con. Res. 120 expresses support for the goals and ideals of National Women's Health Week.

Legislative History

On May 6, 2009, H. Con. Res. 120 was introduced in the House by Rep. Hinchey of New York and referred to the Committee on Energy and Commerce.

On May 19, 2009, H. Con. Res. 120 passed the House, under suspension of the rules, by a voice vote.

On May 20, 2009, H. Con. Res. 120 was received in the Senate and referred to the Committee on Health, Education, Labor, and Pensions.

No further action was taken on H. Con. Res. 120 in the 111th Congress.

EXPRESSING THE SENSE OF THE HOUSE OF REPRESENTATIVES THAT
CONGRESS SHOULD PROVIDE INCREASED FEDERAL FUNDING FOR
CONTINUED TYPE 1 DIABETES RESEARCH

(H. Res. 35)

Summary

H. Res. 35 calls for an increase in federal funding for research on type 1 diabetes at the National Institutes of Health.

Legislative History

On January, 8, 2009, H. Res. 35 was introduced in the House by Rep. Gene Green of Texas and referred to the Committee on Energy and Commerce.

On December 10, 2009, H. Res. 35 passed the House, under suspension of the rules, by a voice vote.

EXPRESSING SUPPORT FOR THE DESIGNATION OF A NATIONAL PRADER-WILLI SYNDROME AWARENESS MONTH

(H. Res. 55)

Summary

H. Res. 55 expresses support for the designation of a National Prader-Willi Syndrome Awareness Month and for increased funding into the causes, treatment, and cure for Prader-Willi syndrome.

Legislative History

On January 13, 2009, H. Res. 55 was introduced in the House by Rep. Royce of California and referred to the Committee on Energy and Commerce.

On December 10, 2009, H. Res. 55 passed the House, under suspension of the rules, by a voice vote.

RECOGNIZING THE NEED TO CONTINUE RESEARCH INTO THE CAUSES, TREATMENT, EDUCATION, AND AN EVENTUAL CURE FOR DIABETES

(H. Res. 69)

Summary

H. Res. 69 commends hospitals, community clinics, educational institutes, and other organizations that are working to increase diabetes awareness, and conducting research for methods to help patients and families in the Latino community suffering from diabetes. H. Res. 69 also recognizes the work of the Latino Diabetes Association, and expresses the support for the designation of Latino Diabetes Awareness Month.

Legislative History

On January 15, 2009, H. Res. 69 was introduced in the House by Rep. Baca of California and referred to the Committee on Energy and Commerce.

On July 22, 2009, H. Res. 69 passed the House, under suspension of the rules, by a rollcall vote of 420–0.

RECOGNIZING NATIONAL NURSES WEEK ON MAY 6 THROUGH MAY 12,
2009

(H. Res. 192)

Summary

H. Res. 192 expresses support for the goals and ideals of National Nurses Week.

Legislative History

On February 25, 2009, H. Res. 192 was introduced in the House by Rep. Eddie Bernice Johnson of Texas and referred to the Committee on Energy and Commerce.

On May 12, 2009, H. Res. 192 passed the House, under suspension of the rules, by a voice vote.

CONGRATULATING THE AMERICAN DENTAL ASSOCIATION FOR ITS 150TH YEAR OF WORKING TO IMPROVE THE PUBLIC'S ORAL HEALTH AND PROMOTING DENTISTRY, SUPPORTING INITIATIVES TO IMPROVE ACCESS TO ORAL HEALTH CARE SERVICES FOR ALL AMERICANS, AND EMPHASIZING THE BENEFITS OF PREVENTION OF DISEASE THROUGH SUPPORT OF COMMUNITY PREVENTION INITIATIVES AND PROMOTION OF GOOD ORAL HYGIENE

(H. Res. 204)

Summary

H. Res. 204 congratulates the American Dental Association for its 150th anniversary and commends the work of oral health practitioners.

Legislative History

On May 3, 2009, H. Res. 204 was introduced in the House by Rep. Simpson of Idaho and referred to the Committee on Energy and Commerce.

On May 15, 2009, H. Res. 204 passed the House, under suspension of the rules, by a rollcall vote of 424–0.

SUPPORTING EFFORTS TO REDUCE INFANT MORTALITY IN THE UNITED STATES

(H. Res. 260)

Summary

H. Res. 260 expresses support for efforts to understand racial disparities and the rate of infant mortality in the United States in order to lower such rates.

Legislative History

On March 18, 2009, H. Res. 260 was introduced in the House by Rep. Cohen of Tennessee and referred to the Committee on Energy and Commerce.

On September 16, 2009, H. Res. 260 passed the House, under suspension of the rules, by a rollcall vote of 415–0.

EXPRESSING SUPPORT FOR DESIGNATION OF MARCH AS NATIONAL NUTRITION MONTH

(H. Res. 274)

Summary

H. Res. 274 expresses support for the designation of, and the goals and ideals of, National Nutrition Month.

Legislative History

On March 23, 2009, H. Res. 274 was introduced in the House by Rep. Castor of Florida and referred to the Committee on Energy and Commerce.

On February 23, 2010, H. Res. 274 passed the House, under suspension of the rules, by a voice vote.

RECOGNIZING THE 40TH ANNIVERSARY OF THE NATIONAL EYE INSTITUTE (NEI) AND EXPRESSING SUPPORT FOR DESIGNATION OF 2010 THROUGH 2020 AS THE DECADE OF VISION

(H. Res. 366)

Summary

H. Res. 366 recognizes the 40th anniversary of the National Eye Institute and expresses support for the designation of the Decade of Vision to maintain a sustained awareness of the public health challenges associated with vision impairment and eye disease.

Legislative History

On April 27, 2009, H. Res. 366 was introduced in the House by Rep. Baldwin of Wisconsin and referred to the Committee on Energy and Commerce.

On June 16, 2009, H. Res. 366 passed the House, under suspension of the rules, by a rollcall vote of 411–0.

EXPRESSING SUPPORT FOR DESIGNATION OF MAY AS NATIONAL ASTHMA AND ALLERGY AWARENESS MONTH

(H. Res. 407)

Summary

H. Res. 407 expresses support for the designation of National Asthma and Allergy Awareness Month, and encourages awareness about the prevalence of asthma and allergies and the disparities in asthma cases based on race, ethnicity, and socioeconomic status.

Legislative History

On May 6, 2009, H. Res. 407 was introduced in the House by Rep. Castor of Florida and referred to the Committee on Energy and Commerce.

On May 28, 2009, H. Res. 407, as amended, passed the House, under suspension of the rules, by a voice vote.

SUPPORTING THE GOALS AND IDEALS OF MENTAL HEALTH MONTH

(H. Res. 437)

Summary

H. Res. 437 expresses support for the goals and ideals of Mental Health Month.

Legislative History

On May 14, 2009, H. Res. 437 was introduced in the House by Rep. Napolitano of California and referred to the Committee on Energy and Commerce.

On June 3, 2009, H. Res. 437, as amended, passed the House, under suspension of the rules, by a voice vote.

EXPRESSING SUPPORT FOR DESIGNATION OF JUNE AS HOME SAFETY
MONTH

(H. Res. 543)

Summary

H. Res. 543 supports the designation of Home Safety Month to encourage adults, parents, and caregivers to take greater actions to reduce unintentional injuries and educate themselves on the importance of home safety.

Legislative History

On June 12, 2009, H. Res. 543 was introduced in the House by Rep. Halvorson of Illinois and referred to the Committee on Energy and Commerce.

On July 16, 2009, H. Res. 543 passed the House, under suspension of the rules, by a rollcall vote of 416–9.

SUPPORTING THE GOALS AND IDEALS OF FRAGILE X AWARENESS DAY

(H. Res. 611)

Summary

H. Res. 611 expresses support for the goals and ideals of Fragile X Awareness Day.

Legislative History

On July 7, 2009, H. Res. 611 was introduced in the House by Rep. Hare of Illinois and referred to the Committee on Energy and Commerce.

On July 21, 2010, H. Res. 611, as amended, passed the House, under suspension of the rules, by a voice vote.

SUPPORTING THE GOALS AND IDEALS OF TAY-SACHS AWARENESS
MONTH

(H. Res. 692)

Summary

H. Res. 692 expresses support for the goals and ideals of Tay-Sachs Awareness Month.

Legislative History

On July 29, 2009, H. Res. 692 was introduced in the House by Rep. Arcuri of New York and referred to the Committee on Energy and Commerce.

On September 30, 2009, H. Res. 692 passed the House, under suspension of the rules, as amended, by a rollcall vote of 415–0.

EXPRESSING SUPPORT FOR DESIGNATION OF OCTOBER 13, 2009, AS
NATIONAL METASTATIC BREAST CANCER AWARENESS DAY

(H. Res. 787)

Summary

H. Res. 787 expresses support for the designation of National Metastatic Breast Cancer Awareness Day.

Legislative History

On September 30, 2009, H. Res. 787 was introduced in the House by Rep. DeLauro of Connecticut and referred to the Committee on Energy and Commerce.

On October 28, 2009, H. Res. 787 passed the House, under suspension of the rules, by a voice vote.

SUPPORTING THE OBSERVANCE OF NATIONAL DIABETES MONTH

(H. Res. 914)

Summary

H. Res. 914 expresses support for the goals and ideals of National Diabetes Month.

Legislative History

On November 18, 2009, H. Res. 914 was introduced in the House by Rep. DeGette of Colorado and referred to the Committee on Energy and Commerce.

On November 19, 2009, H. Res. 914 passed the House by unanimous consent.

EXPRESSING THE SENSE OF THE HOUSE OF REPRESENTATIVES REGARDING GUIDELINES FOR BREAST CANCER SCREENING FOR WOMEN AGES 40 TO 49

(H. Res. 971)

Summary

H. Res. 971 expresses the sense of the House of Representatives that: (1) the guidelines of the United States Preventive Services Task Force will not prohibit an insurer from providing coverage for mammography services in addition to those recommended by the Task Force and should not be used by insurers to deny coverage for services that are not recommended on a routine basis; and (2) the National Cancer Institute should continue to invest and provide leadership regarding research to develop more effective breast cancer screening tools and strategies.

Legislative History

On December 15, 2009, H. Res. 971 was introduced in the House by Rep. Wasserman Schultz of Florida and referred to the Committee on Energy and Commerce.

On December 15, 2009, H. Res. 971 passed the House, under suspension of the rules, by a rollcall vote of 426–0.

EXPRESSING SUPPORT FOR THE DESIGNATION OF SEPTEMBER AS
NATIONAL CHILDHOOD OBESITY AWARENESS MONTH

(H. Res. 996)

Summary

Expresses support for the designation of National Childhood Obesity Awareness Month.

Legislative History

On December 19, 2009, H. Res. 996 was introduced in the House by Rep. Fudge of Ohio and referred to the Committee on Energy and Commerce.

On May 20, 2010, H. Res. 996, as amended, passed the House, under suspension of the rules, by a voice vote.

EXPRESSING SUPPORT FOR THE DESIGNATION OF JANUARY 10, 2010,
THROUGH JANUARY 16, 2010, AS NATIONAL INFLUENZA VACCINATION
WEEK

(H. Res. 1003)

Summary

H. Res. 1003 expresses support for the designation of National Influenza Vaccination Week.

Legislative History

On January 12, 2010, H. Res. 1003 was introduced in the House by Rep. Chu of California and referred to the Committee on Energy and Commerce.

On January 26, 2010, H. Res. 1003, as amended, passed the House, under suspension of the rules, by a rollcall vote of 398–2.

RECOGNIZING THE IMPORTANCE OF CERVICAL HEALTH AND OF DETECTING CERVICAL CANCER DURING ITS EARLIEST STAGES AND SUPPORTING THE GOALS AND IDEALS OF CERVICAL HEALTH AWARENESS MONTH

(H. Res. 1011)

Summary

H. Res. 1011 expresses support for the goals and ideals of Cervical Health Awareness Month.

Legislative History

On January 13, 2010, H. Res. 1011 was introduced in the House by Rep. Halvorson of Illinois and referred to the Committee on Energy and Commerce.

On January 26, 2010, H. Res. 1011 passed the House, under suspension of the rules, by a rollcall vote of 400–0.

EXPRESSING SUPPORT FOR DESIGNATION OF APRIL 2010 AS NATIONAL AUTISM AWARENESS MONTH AND SUPPORTING EFFORTS TO DEVOTE RESOURCES TO RESEARCH INTO THE CAUSES AND TREATMENT OF AUTISM AND TO IMPROVE TRAINING AND SUPPORT FOR INDIVIDUALS WITH AUTISM AND THOSE WHO CARE FOR INDIVIDUALS WITH AUTISM

(H. Res. 1033)

Summary

H. Res. 1033 expresses support for the designation of a National Autism Awareness Month.

Legislative History

On January 21, 2010, H. Res. 1033 was introduced in the House by Rep. Reichert of Washington and referred to the Committee on Energy and Commerce and in addition to the Committee on Education and Labor.

On April 27, 2010, H. Res. 1033, as amended, passed the House, under suspension of the rules, by a voice vote.

SUPPORTING THE GOALS AND IDEALS OF MULTIPLE SCLEROSIS AWARENESS WEEK

(H. Res. 1116)

Summary

H. Res. 1116 expresses support for the goals and ideals of Multiple Sclerosis Awareness Week.

Legislative History

On February 25, 2010, H. Res. 1116 was introduced in the House by Rep. Lee of California, and referred to the Committee on Energy and Commerce.

On April 21, 2010, H. Res. 116 passed the House, under suspension of the rules, by a voice vote.

COMMENDING THE PROGRESS MADE BY ANTI-TUBERCULOSIS PROGRAMS

(H. Res. 1155)

Summary

H. Res. 1155 supports the goals of World TB Day to raise awareness about tuberculosis, and reaffirms the commitment of the House of Representatives to global tuberculosis control through the Lantos-Hyde U.S. Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2008.

Legislative History

On March 10, 2010, H. Res. 1155 was introduced in the House by Rep. Engel of New York and referred to the Committee on Foreign Affairs, and in addition to the Committee on Energy and Commerce.

On May 12, 2010, H. Res. 1155, as amended, passed the House, under suspension of the rules, by a voice vote.

COMMENDING EYECARE AMERICA FOR ITS WORK OVER THE LAST 25 YEARS

(H. Res. 1226)

Summary

H. Res. 1226 commends EyeCare America for its work over the last 25 years.

Legislative History

On March 25, 2010, H. Res. 1226 was introduced in the House by Rep. Gene Green of Texas and referred to the Committee on Energy and Commerce.

On September 28, 2010, H. Res. 1226, as amended, passed the House, under suspension of the rules, by a voice vote.

EXPRESSING SUPPORT FOR DESIGNATION OF MAY 2010 AS MENTAL HEALTH MONTH

(H. Res. 1258)

Summary

H. Res. 1258 expresses support for the designation of Mental Health Month.

Legislative History

On April 15, 2010, H. Res. 1258 was introduced in the House by Rep. Napolitano of California and referred to the Committee on Energy and Commerce.

On May 25, 2010, H. Res. 1258, as amended, passed the House, under suspension of the rules, by a rollcall vote of 414–1.

EXPRESSING SUPPORT FOR THE DESIGNATION OF SEPTEMBER 2010 AS BLOOD CANCER AWARENESS MONTH

(H. Res. 1433)

Summary

H. Res. 1433 expresses support for the designation of Blood Cancer Awareness Month.

Legislative History

On June 10, 2010, H. Res. 1433 was introduced in the House by Rep. Jones of North Carolina and referred to the Committee on Energy and Commerce.

On September 22, 2010, H. Res. 1433, as amended, passed the House, under suspension of the rules, by a voice vote.

EXPRESSING SUPPORT FOR DESIGNATION OF SEPTEMBER 2010 AS
NATIONAL PROSTATE CANCER AWARENESS MONTH

(H. Res. 1485)

Summary

H. Res. 1485 expresses support for the designation of National Prostate Cancer Awareness Month.

Legislative History

On June 29, 2010, H. Res. 1485 was introduced in the House by Rep. Neugebauer of Texas and referred to the Committee on Energy and Commerce.

On September 28, 2010, H. Res. 1485 passed the House, under suspension of the rules, by a voice vote.

HONORING THE ACHIEVEMENTS OF DR. ROBERT M. CAMPBELL, JR., TO
PROVIDE CHILDREN WITH LIFESAVING MEDICAL CARE

(H. Res. 1499)

Summary

H. Res. 1499 honors Dr. Robert Campbell for his lifelong devotion to children's health care and congratulates Dr. Campbell and his colleagues on their extraordinary achievement in pediatric and orthopedic innovation.

Legislative History

On July 1, 2010, H. Res. 1499 was introduced in the House by Rep. Wasserman Schultz of Florida and referred to the Committee on Energy and Commerce.

On July 18, 2010, H. Res. 1499, as amended, passed the House, under suspension of the rules, by a voice vote.

RECOGNIZING AND HONORING THE 20TH ANNIVERSARY OF THE
ENACTMENT OF THE AMERICANS WITH DISABILITIES ACT OF 1990

(H. Res. 1504)

Summary

H. Res. 1504 recognizes the 20th anniversary of the enactment of the Americans with Disabilities Act of 1990.

Legislative History

On July 1, 2010, H. Res. 1504 was introduced in the House by Rep. Hoyer of Maryland and referred to the Committee on Education and Labor, and in addition to the Committee on Energy and Commerce, the Committee on Transportation and Infrastructure, and the Committee on the Judiciary.

On July 26, 2010, H. Res. 1504, as amended, passed the House, under suspension of the rules, by a rollcall vote of 377-0.

SUPPORTING THE CRITICAL ROLE OF THE PHYSICIAN ASSISTANT PROFESSION AND SUPPORTING THE GOALS AND IDEALS OF NATIONAL PHYSICAL ASSISTANT WEEK

(H. Res. 1600)

Summary

H. Res. 1600 expresses support for the goals and ideals of National Physician Assistant Week.

Legislative History

On July 30, 2010, H. Res. 1600 was introduced in the House by Rep. McCollum of Minnesota and referred to the Committee on Energy and Commerce.

On December 15, 2010, H. Res. 1600, as amended, passed the House, under suspension of the rules, by a voice vote.

SUPPORTING THE OBSERVANCE OF AMERICAN DIABETES MONTH

(H. Res. 1690)

Summary

H. Res. 1690 expresses support for the goals and ideals of American Diabetes Month.

Legislative History

On September 29, 2010, H. Res. 1690 was introduced in the House by Rep. DeGette of Colorado and referred to the Committee on Energy and Commerce.

On November 30, 2010, H. Res. 1690 passed the House, as amended, under suspension of the rules, by a voice vote.

REQUESTING THE PRESIDENT, AND DIRECTING THE SECRETARY OF HEALTH AND HUMAN SERVICES, TO TRANSMIT TO THE HOUSE OF REPRESENTATIVES COPIES OF DOCUMENTS, RECORDS, AND COMMUNICATIONS IN THEIR POSSESSION RELATING TO CERTAIN AGREEMENTS REGARDING HEALTH CARE REFORM

(H. Res. 983)

Summary

H. Res. 983 is a resolution of inquiry requesting the President to transmit: (1) a list of all agreements entered into between any individuals associated with the White House and any health care reform stakeholders, as well as the substance of the agreements; (2) the names of individuals associated with the White House who participated in the decision-making process during negotiations over such agreements and the names, dates, and titles of meetings in which they participated relating to such agreements; and (3) the names of individuals or entities who requested and were denied a White House meeting on health care reform.

Legislative History

On December 16, 2009, H. Res. 983 was introduced in the House by Rep. Burgess of Texas and referred to the Committee on Energy and Commerce.

On January 28, 2010, the Committee on Energy and Commerce met in open markup session and H. Res. 983 was ordered reported without recommendation by a voice vote.

On January 29, 2010, the Committee on Energy and Commerce filed the House report on H. Res. 983 (H. Rept. 111–408).

No further action was taken on H. Res. 983 in the 111th Congress.

HEALTH FINANCE

LEGISLATIVE ACTIVITIES

CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION ACT OF
2009

Public Law 111–3 (H.R. 2)

To amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, and for other purposes.

Summary

The Children's Health Insurance Program Reauthorization Act of 2009 reauthorizes the Children's Health Insurance Program (CHIP) through fiscal year 2013. CHIP provides health insurance coverage to uninsured children in low-income families. The law provides sufficient funds to enable states to maintain their current CHIP programs and to extend coverage to an additional 4 million uninsured low-income children.

The law provides performance bonus payments to states to cover enrollment costs resulting from specified enrollment and retention efforts. It establishes a child enrollment contingency fund to cover state CHIP expenditures beyond the amount allotted in statute for the reauthorization period of 2009–2013. It provides additional funding for outreach and enrollment activities. It will also improve access to dental benefits and mental health benefits in CHIP plans.

The law authorizes states to waive the restriction on providing Medicaid and CHIP coverage to certain legal immigrants before five years of residency and provides an alternative process for states to use in verifying citizenship when determining Medicaid eligibility.

According to the Congressional Budget Office, the law as enacted will increase federal spending on health care for low-income children by \$73.8 billion over the periods of 2009–2019. It is fully paid for, largely through an increase in the excise tax on tobacco products, and will reduce the federal budget deficit by \$1.0 billion over this 10-year period.

Legislative History

On January 13, 2009, H.R. 2 was introduced in the House by Rep. Pallone of New Jersey and referred to the Committee on En-

ergy and Commerce, and in addition to the Committee on Ways and Means and the Committee on Education and Labor.

On January 14, 2009, H.R. 2 passed the House by a rollcall vote of 289–139.

On January 29, 2009, H.R. 2 passed the Senate, as amended, by a rollcall vote of 66–32.

On February 4, 2009, H.R. 2 passed the House, as amended, by a rollcall vote of 290–135. That same day, H.R. 2 was signed by the President and became Public Law 111–3.

THE AMERICAN RECOVERY AND REINVESTMENT ACT

Public Law 111–5 (H.R. 1, H.R. 629)

A legislative package to stimulate the economy through creation of jobs and promotion of investment.

Summary

The American Recovery and Reinvestment Act of 2009 (ARRA) contains a broad range of appropriations, tax, unemployment, health, state fiscal relief, and other provisions designed to preserve and create jobs, promote economic recovery, assist those most affected by the recession, and provide investments in infrastructure and technological advances in science and health. According to the Congressional Budget Office, the law will increase federal spending for these purposes by \$787 billion over the period of 2009–2019. Three main provisions of the bill fall within the health jurisdiction of the Committee: premium assistance for COBRA continuation benefits (Title III of Division B), health information technology (Title IV of Division B), and temporary fiscal relief to state Medicaid programs (Title V of Division B).

Under the Consolidated Omnibus Budget Reconciliation Act (COBRA), individuals who are involuntarily separated from their employment may elect to continue health coverage through the employer for up to 18 months by paying a monthly premium. Under ARRA, the federal government assumes 65% of the cost of these COBRA health insurance premiums for up to 9 months for individuals (other than those with high incomes) involuntarily separated during the period beginning September 1, 2008, and ending December 31, 2009. Eligible individuals make smaller payments of COBRA health insurance premiums to employers, and employers receive an equivalent credit to allow them to reduce their remittances of income and payroll tax withholding. The Congressional Budget Office estimates the cost of this provision as \$25.1 billion over the period of 2009–2010, mostly in fiscal years 2009 and 2010.

The law would establish payment incentives in the Medicare and Medicaid programs to encourage providers to adopt health information technology (HIT). Although adoption would be encouraged through financial incentives through Medicare and Medicaid, all health care spending, public and private, would be affected. The Congressional Budget Office expects that adoption of HIT on a nationwide basis would reduce total spending on health care by diminishing the number of inappropriate tests and procedures, reducing paperwork and administrative overhead, and decreasing the number of adverse events resulting from medical errors. According

to the Congressional Budget Office the cost of the HIT provision, net of the savings to Medicare, Medicaid, and the Federal Employees Health Benefits programs and increased tax revenues, will be \$20.8 billion over the 2009–2010 period.

To assist states in maintaining their Medicaid programs in the face of increasing enrollment and declining revenues due to the recession, the law would increase the federal Medicaid matching rate (the federal medical assistance percentage or FMAP) for the period October 1, 2008, to December 31, 2010, in three ways. It would ensure that states do not experience a reduction in their FMAP under the regular formula. It would increase the FMAP rates for all states and the District of Columbia by 6.2 percentage points. And it would provide an additional increase in FMAP to states that experience at least a 1.5 percentage point increase in their unemployment rate based on a tiered formula that provides larger FMAP increases to states with larger increases in their unemployment rates. The Congressional Budget Office estimates that this provision would increase federal Medicaid outlays by \$90.0 billion over the period of 2009–2019, mostly in fiscal years 2009 and 2010.

Legislative History

On January 22, 2009, the Committee on Energy and Commerce met in open markup session to consider five committee prints of draft legislation on portions of the economic recovery package within the jurisdiction of the Committee. Following the approval of the committee prints relating to legislation on broadband, energy, and health, a unanimous consent request by Chairman Waxman was agreed to that all text after section 1 of H.R. 629, the Energy and Commerce Recovery and Reinvestment Act of 2009, be struck and replace with the text of the five committee prints approved by the Committee, as amended. H.R. 629, as amended, was ordered favorably reported to the House.

On January 26, 2009, the Committee on Energy and Commerce filed the House report on H.R. 625 (H. Rept. 111–7, Part 1). The legislative provision contained in this and other Committee reports became part of H.R. 1, the American Recovery and Reinvestment Act of 2009, which was introduced on January 26, 2009.

On January 28, 2009, H.R. 1 was considered by the House and passed by a rollcall vote of 244–188.

On February 10, 2009, the Senate passed H.R. 1 with an amendment by a rollcall vote of 61–37. The Senate insisted upon their amendment, asked for a conference with the House, and appointed conferees: Inouye, Baucus, Reid, Cochran, and Grassley.

The House agreed to a motion to disagree with the Senate amendment and agreed to a conference on February 10, 2009, by a rollcall vote of 403–0. The Speaker appointed the conferees from the House: Obey, Rangel, Waxman, Lewis of California, and Camp.

On February 12, 2009, the conference report on H.R. 1 (House Rept. 111–16) was filed in the House.

On February 13, 2009, the House agreed to the conference report by a rollcall vote of 246–183. On the same day, the Senate agreed to the conference report by a rollcall vote of 60–38, clearing the measure for the White House.

On February 17, 2009, H.R. 1 was signed into law by the President and became Public Law 111–5.

TO AMEND TITLE XVIII OF THE SOCIAL SECURITY ACT TO DELAY THE DATE ON WHICH THE ACCREDITATION REQUIREMENT UNDER THE MEDICARE PROGRAM APPLIES TO SUPPLIERS OF DURABLE MEDICAL EQUIPMENT THAT ARE PHARMACIES

Public Law 111–72 (H.R. 3663)

Summary

The law amends title XVIII (Medicare) of the Social Security Act to postpone until January 1, 2010, the effective date of the requirement that pharmacies, as suppliers of Medicare items and services (including durable medical equipment), must be accredited by an independent accreditation organization approved by the Secretary of the Department of Health and Human Services (HHS). It declares that nothing in this law shall be construed to affect the application of an accreditation requirement for pharmacies to qualify for bidding in a competitive acquisition area.

Legislative Activities

On September 29, 2009, H.R. 3663 was introduced by Rep. Space of Ohio and referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means.

On September 30, 2009, H.R. 3663 passed the House, under suspension of the rules, by a voice vote.

On October 5, 2009, H.R. 3663 passed the Senate by unanimous consent.

On October 13, 2009, H.R. 3663 was signed by the President and became Public Law 111–72.

MEDICARE SUSTAINABLE GROWTH RATE

Public Law 111–117 (H.R. 3288); Public Law 111–144 (H.R. 4691); Public Law 111–157 (H.R. 4851); Public Law 111–192 (H.R. 3962); Public Law 111–286 (H.R. 5712); Public Law 111–309 (H.R. 4994)

Legislation affecting the sustainable growth rate mechanism governing the Medicare physician fee schedule established under section 1848 of the Social Security Act.

Summary

Medicare payments for services of physicians and certain non-physician practitioners are made on the basis of a fee schedule. The law specifies an expenditure target, commonly referred to as the sustainable growth rate (SGR) system, for calculating the annual update to the fee schedule payment rates. When cumulative physician expenditures exceed the expenditure target, the SGR system reduces rates paid under the fee schedule to attempt to bring cumulative expenditures in line with the target.

Reductions resulting from application of the SGR have been frequently overridden by legislation. Since the enactment of the Tax Relief and Health Care Act of 2006 (P.L. 109–432), the magnitude

of reductions required by the SGR formula have increased dramatically. As of November, 2009, a 21% reduction in payment rates was scheduled for January 1, 2010. The physician payment system in Medicare has also been criticized for including items that are not reimbursed under the physician fee schedule, and for incentivizing the delivery of fragmented care instead of coordinated care.

H.R. 3961, as introduced, addressed these shortcomings. It reset the SGR formula to eliminate reductions arising from spending over targets in the past. It set more realistic growth targets for physician spending, with a higher spending target for primary care services than allowed for all other services. The bill also removed services not included in the physician fee schedule from the formula, and incentivized the formation of accountable care organizations by allowing those groups to be paid according to their own spending target.

The physician payment reforms contained in H.R. 3961 were not enacted into law. Instead, a series of short-term postponements of the payment reductions that would have occurred under the SGR formula have been enacted.

The Consolidated Appropriations Act of 2010 (Public Law 111–117) postponed the reductions in the physician fee schedule through February 2010.

The Temporary Extension Act of 2010 (Public Law 111–144) postponed the reductions in the physician fee schedule through March 2010.

The Continuing Extension Act of 2010 (Public Law 111–157) postponed the reductions in the physician fee schedule through May 2010.

The Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010 (Public Law 111–192) postponed the reductions in the physician fee schedule through November 2010.

The Physician Payment and Therapy Relief Act of 2010 (Public Law 111–286) postponed the reductions in the physician fee schedule through December 2010.

The Medicare and Medicaid Extenders Act of 2010 (Public Law 111–309) postponed the reductions through the calendar year 2011.

Legislative History

PUBLIC LAW 111–117—THE CONSOLIDATED APPROPRIATIONS ACT OF 2010

On July 22, 2009, H.R. 3288 was introduced in the House by Rep. Olver of Massachusetts, and referred to the Committee on Appropriations.

On July 23, 2009, H.R. 3288 passed the House, as amended, by a rollcall vote of 256–168.

On July 27, 2009, H.R. 3288 was received in the Senate and referred to the Committee on Appropriations.

On September 17, 2009, H.R. 3288 passed the Senate, as amended, by a rollcall vote of 73–25.

On December 8, 2009, the House issued a conference report on H.R. 3288 (Rept. 111–366).

On December 10, 2009, the House agreed to the conference report by a rollcall vote of 221–202.

On December 13, 2009, the Senate agreed to the conference report by a rollcall vote of 57–35.

On December 16, 2009, H.R. 3288 was signed by the President and became Public Law 111–117.

PUBLIC LAW 111–144—THE TEMPORARY EXTENSION ACT OF 2010

On February 25, 2010, H.R. 4691 was introduced in the House by Rep. Rangel of New York and referred to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, the Committee on Education and Labor, the Committee on Transportation and Infrastructure, the Committee on Financial Services, the Committee on Small Business, the Committee on the Judiciary, and the Committee on the Budget. That same day, H.R. 4691 passed the House, under suspension of the rules, by a voice vote.

On March 2, 2010, H.R. 4691 passed the Senate by a rollcall vote of 78–19. That same day, H.R. 4691 was signed by the President and became Public Law 111–144.

PUBLIC LAW 111–157—THE CONTINUING EXTENSION ACT OF 2010

On March 16, 2010, H.R. 4851 was introduced in the House by Rep. Levin of Michigan and referred to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, the Committee on Education and Labor, the Committee on Financial Services, the Committee on the Judiciary, the Committee on Transportation and Infrastructure, and the Committee on Oversight and Government Reform.

On March 17, 2010, H.R. 4851 passed the House, as amended, under suspension of the rules, by a voice vote.

On April 15, 2010, H.R. 4851 passed the Senate, as amended, by a rollcall vote of 59–38, and passed the House, as amended, by a rollcall vote of 289–112. That same day, H.R. 4851 was signed by the President and became Public Law 111–157.

PUBLIC LAW 111–192—THE PRESERVATION OF ACCESS TO CARE FOR
MEDICARE BENEFICIARIES AND PENSION RELIEF ACT OF 2010

On October 29, 2009, H.R. 3962 was introduced in the House by Rep. Dingell of Michigan and referred to the Committee on Energy and Commerce, and in addition to the Committee on Education and Labor, the Committee on Ways and Means, the Committee on Oversight and Government Reform, the Committee on the Budget, the Committee on Rules, the Committee on Natural Resources, and the Committee on the Judiciary.

On November 7, 2009, H.R. 3962 passed the House, as amended, by a rollcall vote of 220–215.

On June 18, 2010, H.R. 3962 passed the Senate, as amended, by unanimous consent.

On June 24, 2010, H.R. 3962 passed the House, as amended, under suspension of the rules, by a rollcall vote of 417–1.

On June 25, 2010, H.R. 3962 was signed by the President and became Public Law 111–192.

PUBLIC LAW 111–286—THE PHYSICIAN PAYMENT AND THERAPY RELIEF
ACT OF 2010

On July 13, 2010, H.R. 5712 was introduced in the House by Rep. Levin of Michigan, and referred to the Committee on Energy and Commerce, and in addition to the Committee on the Budget, and the Committee on Ways and Means.

On July 14, 2010, H.R. 5712 passed the House, as amended, under suspension of the rules, by a voice vote.

On November 18, 2010, H.R. 5712 passed the Senate, as amended, by unanimous consent.

On November 29, 2010, H.R. 5712 passed the House, as amended, by a voice vote.

On November 30, 2010, H.R. 5712 was signed by the President and became Public Law 111–286.

PUBLIC LAW 111–309—THE MEDICARE AND MEDICAID EXTENDERS ACT
OF 2010

On April 13, 2010, H.R. 4994 was introduced in the House by Rep. Lewis of Georgia and referred to the Committee on Ways and Means, and in addition to the Committee on the Budget.

On April 14, 2010, H.R. 4994 passed the House, as amended, under suspension of the rules, by a rollcall vote of 399–9.

On April 15, 2010, H.R. 4994 was received in the Senate and referred to the Committee on Finance.

On December 8, 2010, H.R. 4994 passed the Senate, as amended, by unanimous consent.

On December 9, 2010, H.R. 4994 passed the House, as amended, under suspension of the rules, by a rollcall vote of 409–2.

On December 15, 2010, H.R. 4994 was signed into law by the President and became Public Law 111–309.

PATIENT PROTECTION AND AFFORDABLE CARE ACT

Public Law 111–148 (H.R. 3590, H.R. 3200, H.R. 3962)

To amend the Social Security Act, the Public Health Service Act, the Internal Revenue Code, and the Employee Retirement Income Security Act to reform the nation’s health care system.

Summary

The nation’s historic health reform legislation, now referred to as the Affordable Care Act (ACA), is the consolidation of the Patient Protection and Affordable Care Act (PPACA), P.L. 111–148, as amended by the Health Care and Education Reconciliation Act of 2010 (HCEIRA), P.L. 111–152.

According to the Congressional Budget Office, there are about 50 million Americans without health insurance coverage, a number projected to grow to 54 million by 2019 in the absence of health reform. CBO estimates that the ACA will reduce the number of Americans without health insurance coverage by 32 million by 2019, increasing the percentage of insured non-elderly Americans from 83% to 94%. The ACA accomplishes this by establishing a mandate for most residents of the United States to obtain health insurance; setting up insurance exchanges through which certain

individuals and families can receive federal subsidies to substantially reduce the cost of purchasing that coverage; and significantly expanding eligibility for Medicaid.

The cost of the ACA's coverage expansion over the period of 2010–2019 (\$788 billion) is offset by savings resulting from changes to Medicare, Medicaid, and other federal health programs (\$511 billion) and increases in revenues (\$420 billion). As a result, CBO and the Joint Committee on Taxation estimate that the ACA will reduce federal budget deficits by \$143 billion over the period of 2010–2019. CBO projects that over the decade following 2019, the ACA will reduce federal budget deficits by around one-half percent of GDP.

The Patient Protection and Affordable Care Act (PPACA), as enacted, contains numerous provisions relating to insurance coverage. Starting in 2014, the law establishes a requirement for legal U.S. residents to obtain insurance and, in many cases, imposes a tax penalty on individuals who do not do so. To ensure that individuals have an opportunity to obtain insurance, regardless of health status, the law also establishes new insurance exchanges and subsidizes the purchase of health insurance through those exchanges for individuals and families with income between 133% and 400% of the federal poverty level (FPL). The options available in the insurance exchanges include private health insurance plans and could include two national or multi-state plans operated under contract with the Office of Personnel Management. Participating insurers will have to accept all applicants, may not limit coverage for preexisting medical conditions, and may not vary premiums to reflect differences in enrollees' health.

Also starting in 2014, most nonelderly people with income below 133% of the FPL will be eligible for Medicaid. The federal government will pay all of the costs of covering newly eligible enrollees through 2016; in subsequent years, the federal share of spending would average about 90% by 2019. To prevent erosion of coverage, states are required to maintain their current eligibility levels for all Medicaid beneficiaries until the exchanges are fully operational. The law extends funding for the Children's Health Insurance Program (CHIP) through fiscal year 2015.

PPACA also makes numerous changes to payment rates and payment rules in Medicare and Medicaid. These include: (1) permanent reductions in the annual updates to Medicare's payment rates for most services in the fee-for-service sector (other than physician's services); (2) the setting of payment rates in the Medicare Advantage program on the basis of the average of the bids submitted by MA plans in each market; and (3) reducing Medicare and Medicaid payments to disproportionate share (DSH) hospitals that serve a large number of low-income patients. The law also establishes an Independent Payment Advisory Board (IPAB) which is required, under certain circumstances, to recommend changes to the Medicare program to limit the rate of growth in the program's spending. These recommendations will go into effect automatically unless blocked by subsequent legislative action.

PPACA contains 18 separate provisions designed to ensure the integrity of the Medicare, Medicaid, and CHIP programs. CBO estimates that these provisions will result in \$6.1 billion in savings to

the federal government over the next 10 years. Many of these provisions reflect recommendations of the HHS Office of Inspector General for reducing waste, fraud, and abuse in Medicare, Medicaid, and CHIP.

Legislative History

On July 14, 2009, H.R. 3200, America's Affordable Health Choices Act, was introduced in the House by Rep. Dingell of Michigan and referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, the Committee on Education and Labor, the Committee on Oversight and Government Reform, and the Committee on the Budget.

In the first session of the 111th Congress, the Subcommittee on Health held five days of oversight hearings focused on making health care work for American families. Hearings were held on Tuesday, March 10, 2009; Tuesday, March 17, 2009; Tuesday, March 24, 2009; Tuesday, March 31, 2009; and Thursday, April 2, 2009.

A Discussion Draft of comprehensive health reform legislation was circulated by the Committee to the Members of the Committee and the public on June 19, 2009. The same Discussion Draft was also issued by the Committee on Ways and Means and the Committee on Education and Labor.

The Committee on Energy and Commerce and its Subcommittee on Health held three days of legislative hearings on the Discussion Draft. Hearings by the Subcommittee on Health were held on June 23, 24, and 25, 2009. The full Committee held a hearing on Wednesday, June 24, 2009, to receive testimony from the Secretary of Health and Human Services, the Hon. Kathleen Sebelius.

The Committee on Energy and Commerce met in open markup session on July 17, 2009, July 20, 2009, July 21, 2009, and July 31, 2009.

On July 31, 2009, the Committee ordered H.R. 3200 favorably reported to the House, amended, by a rollcall vote of 31–28. The Committee subsequently met in open markup session on September 23, 2009, to consider and adopt additional amendments under a motion to instruct the Chairman of the Committee to provide additional amendments for the consideration of the Committee on Rules.

Consideration and markup of H.R. 3200 was also held by other committees of jurisdiction. The Committee on Ways and Means met in open markup session on July 16, 2009 and July 17, 2009, and H.R. 3200 was ordered favorably reported, amended, by a rollcall vote of 23–18. The Committee on Education and Labor met in open markup session on July 15, 16, and 17, 2009, and ordered H.R. 3200 favorably reported to the House, amended, by a rollcall vote of 26–22.

On October 14, 2009, the Committee on Energy and Commerce filed the House report on H.R. 3200 (H. Rept. 111–299, Part 1). Reports were also filed by the Committee on Ways and Means (H. Rept. 111–299, Part 2), and the Committee on Education and Labor (H. Rept. 111–299, Part 3).

No further action was taken on H.R. 3200 in the 111th Congress. The bill was superseded first by H.R. 3962, and then later by H.R.

3590. Certain provisions of this bill were incorporated into H.R. 3590, which eventually was signed into law as the Patient Protection and Affordable Care Act.

On October 29, 2009, H.R. 3962, the Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010, was introduced by Rep. Dingell of Michigan and referred to the Committee on Energy and Commerce, and in addition to the Committee on Education and Labor, the Committee on Ways and Means, the Committee on Oversight and Government Reform, the Committee on the Budget, the Committee on Rules, the Committee on Natural Resources, and the Committee on the Judiciary.

On November 7, 2009, the House called up H.R. 3962 for consideration under a rule and the bill was passed, as amended, by a roll-call vote of 220–215.

On November 11, 2009, the Senate received H.R. 3962 with the House amendment and placed the bill on the Senate Legislative Calendar. H.R. 3262 was eventually superseded by H.R. 3590. (In the second session of the 111th Congress, H.R. 3962 was amended by the Senate as the Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010, which became Public Law 111–192. Details on that legislation may be found in this report.)

On December 24, 2009, the Senate considered H.R. 3590 with an amendment that inserted text to become a companion bill to H.R. 3962, and also to amend the title as the Patient Protection and Affordable Care Act. H.R. 3590 was passed by the Senate as amended by a rollcall vote of 60–39.

On March 21, 2010, the House took up H.R. 3590 with the Senate amendment. There was a motion to agree to the Senate amendment to H.R. 3590, which passed by a rollcall vote of 219–212, clearing the measure for the White House.

On March 23, 2010, H.R. 3590 was signed into law by the President and became Public Law 111–148.

HEALTH CARE AND EDUCATION RECONCILIATION ACT OF 2010

Public Law 111–152 (H.R. 4872)

To provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13).

Summary

The Health Care and Education Reconciliation Act of 2010 (HCERA), P.L. 111–152, contains health-related financing and revenue changes that amend provisions of the Patient Protection and Affordable Care Act (PPACA) P.L. 111–148. The health reform legislation, known as the Affordable Care Act (ACA), is the consolidation of PPACA as amended by HCERA. HCERA also contains provisions relating to higher education in the jurisdiction of the Education and Labor Committee.

The health- and revenue-related provisions of HCERA make a number of changes to PPACA. These changes include: (1) an increase in the subsidies for premiums and cost sharing that will be offered through the new insurance exchanges; (2) an increase in the penalties for employers that do not offer health insurance and

modifying the penalties for individuals who do not obtain insurance; (3) a change in eligibility for Medicaid in a way that effectively increases the income threshold from 133% to 138% of the federal poverty level (FPL); (4) an increase in the federal share of spending for certain newly eligible Medicaid beneficiaries in certain states; (5) a phase-out of the “doughnut hole” in the Medicare Part D prescription drug benefit; (6) a reduction in overall payments to Medicare Advantage plans; and (7) a modification in the design and delay in the implementation of the excise tax on insurance plans with relatively high premiums.

According to the Congressional Budget Office, HCERA increased by \$25 billion the amount by which PPACA reduced the federal budget deficit over the period of 2010–2019. In combination, PPACA and HCERA produce a net reduction in the federal budget deficit of \$143 billion over the period of 2010–2019 and about one-half percent of GDP over the next decade.

Legislative History

On March 17, 2010, H.R. 4872 was introduced in the House by Rep. Spratt of South Carolina and referred to the Committee on the Budget. That same day, the Committee on the Budget reported H.R. 4872 to the House (H. Rept. 111–443).

On March 21, 2010, H.R. 4872 passed the House by a rollcall vote of 220–211.

On March 25, 2010, H.R. 4872 passed the Senate, as amended, by a rollcall vote of 56–43.

On March 25, 2010, H.R. 4872 passed the House, as amended, by a rollcall vote of 220–207.

On March 30, 2010, H.R. 4872 was signed into law by the President and became Public Law 111–152.

MEDICARE AND MEDICAID EXTENDERS ACT OF 2010

Public Law 111–309 (H.R. 4994)

To extend certain expiring provisions of the Medicare and Medicaid programs.

Summary

The Medicare and Medicaid Extenders Act of 2010 extends certain expiring Medicare and Medicaid provisions through December 31, 2011, including: (1) current Medicare payment rates for physicians; (2) the Medicare Modernization Act section 508 reclassifications; (3) the exceptions process for Medicare therapy caps; (4) direct payments for the technical component of certain physician pathology services; (5) the increased Medicare rates for ambulance services, especially in rural areas; (6) the five percent increase for certain Medicare mental health services; (7) the outpatient hold harmless provision; (8) the ability for hospitals in certain rural areas to continue to receive reasonable cost reimbursements for certain clinical diagnostic laboratory tests; (9) the qualifying individual (QI) program; (10) the Transitional Medical Assistance (TMA) Program; and (11) the Special Diabetes Program (SDP).

According to CBO, the law will reduce the deficit by \$2.8 billion over the next 10 years. It is paid for by modifying the policy, under

the Affordable Care Act, regarding overpayments of tax credits provided in the Exchanges to help individuals afford insurance, beginning in 2014. The law also makes various clarifying changes and technical corrections.

Legislative History

On April 13, 2010, H.R. 4994 was introduced in the House by Rep. Lewis of Georgia and referred to the Committee on Ways and Means and the Committee on the Budget.

On April 14, 2010, H.R. 4994 passed the House, as amended, under suspension of the rules, by a rollcall vote of 399–9.

On April 15, 2010, H.R. 4994 was received in the Senate and referred to the Committee on Finance.

On December 8, 2010, H.R. 4994 passed the Senate, as amended, by unanimous consent.

On December 9, 2010, H.R. 4994 passed the House, as amended by the Senate, under suspension of the rules, by a rollcall vote of 409–2.

On December 15, 2010, H.R. 4994 was signed into law by the President and became Public Law 111–309.

JAMES ZADROGA 9/11 HEALTH AND COMPENSATION ACT OF 2010

Public Law 111–_____ (H.R. 847)

To amend the Public Health Service Act to extend and improve protections and services to individuals directly impacted by the terrorist attack in New York City on September 11, 2001.

Summary

The James Zadroga 9/11 Health and Compensation Act of 2010, establishes the World Trade Center (WTC) Health Program and extends and expand eligibility for compensation under the September 11th Victim Compensation Fund (VCF) of 2001. In the House of Representatives, the WTC Health Program is in the jurisdiction of the Committee on Energy and Commerce; the VCF is in the jurisdiction of the Committee on the Judiciary.

The WTC Health Program provides healthcare benefits for an estimated 65,000 eligible emergency personnel who responded to the September 11, 2001, terrorist attacks in New York City, the Pentagon, and Shanksville, Pennsylvania, and for workers who participated in recovery and cleanup following the attacks. The Program also provides healthcare benefits for an estimated 25,000 eligible residents and others present in the area of New York City near the World Trade Center. The federal government pays 90% of the costs of the Program; New York City pays 10%. Federal funding for the Program is mandatory and subject to annual caps. The federal funding for the Program will sunset in 2015.

Funding for the WTC Health Program would be capped at a total of \$1.5 billion through 2015. The Congressional Budget Office estimates that the total cost of the bill, including both the Health Program and the VCF, would be \$4.2 billion over the period of 2011–2020. Because of offsetting excise tax and immigration fee increases, the bill would reduce the federal budget deficit by \$433 million.

Legislative History

On February 4, 2009, H.R. 847 was introduced in the House by Rep. Maloney of New York and referred to the Committee on Energy and Commerce and to the Committee on the Judiciary.

On March 31, 2009, the Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law and the Subcommittee on the Constitution, Civil Rights, and Civil Liberties of the Committee on the Judiciary held legislative hearings on H.R. 847.

On April 22, 2009, the Subcommittee on Health held a legislative hearing on H.R. 847.

On July 29, 2009, the Committee on the Judiciary met in open markup session to consider H.R. 847 and subsequently ordered the bill favorably reported to the House, as amended, by a rollcall vote of 22–9.

On March 16, 2010, the Subcommittee on Health met in open markup session to consider H.R. 847 and subsequently favorably forwarded H.R. 847 to the full Committee, amended, by a rollcall vote of 25–8.

On May 25, 2010, the Committee on Energy and Commerce met in open markup session to consider H.R. 847. The Committee subsequently ordered H.R. 847 favorably reported to the House, amended, by a rollcall vote of 33–12.

On July 22, 2010, the Committee on Energy and Commerce filed the House report on H.R. 847 (H. Rept. 111–560, Part 1). That same day, the Committee on the Judiciary filed a House report on H.R. 847 (H. Rept. 111–560, Part 2).

On July 29, 2010, the House voted on H.R. 847, as amended, under suspension of the rules, by a rollcall vote of 225–159, but it failed to pass the House due to receiving less than two-thirds of those voting in favor of the legislation.

On September 29, 2010, the House passed H.R. 847 under a rule, as amended, by a rollcall vote of 368–160.

On December 22, 2010, the Senate passed H.R. 847 with an amendment by unanimous consent.

On December 22, 2010, the House agreed to the Senate amendment to H.R. 847 by a rollcall vote of 206–60, clearing the measure for the White House.

On December 23, 2010, H.R. 847 was presented to the President.

On January 2, 2011, H.R. 847 was signed into law by the President and became Public Law 111–_____.

(Public Law number was not available at the time this report was filed.)

OMNIBUS TRADE ACT OF 2010

Public Law 111–_____ (H.R. 6517)

To extend trade adjustment assistance and certain trade preference programs, to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, and for other purposes.

Summary

Provisions under the jurisdiction of the Committee on Energy and Commerce include changes to the Public Health Service Act (PHSA) to extend until July 1, 2012, the trade adjustment assistance (TAA) pre-certification period rule disregarding any 63-day lapse in creditable health care coverage for TAA workers.

Legislative History

H.R. 6517 was introduced in the House by Rep. Levin of Michigan on December 13, 2010, and referred to the Committee on Ways and Means, and in addition to the Committee on Education and Labor, and the Committee on Energy and Commerce.

On December 14, 2010, the House agreed to a motion to suspend the rules and pass H.R. 6517, as amended, by a voice vote.

On December 16, 2010, the Senate received H.R. 6517 as amended by the House.

On December 22, 2010, the Senate passed H.R. 6517 with an amendment by unanimous consent.

On December 22, 2010, the House agreed to the Senate amendment to H.R. 6517 by unanimous consent, clearing the measure for the White House.

On December 29, 2010, H.R. 6517 was signed into law by the President and became Public Law 111–_____. (Public Law number was not assigned when this report was filed.)

HEALTH INSURANCE RESTRICTIONS AND LIMITATIONS CLARIFICATION ACT OF 2009

(H.R. 1253)

To require that limitations and restrictions on coverage under group health plans be timely disclosed to group health plan sponsors and timely communicated to participants and beneficiaries under such plans in a form that is easily understandable.

Summary

H.R. 1253, the Health Insurance Restrictions and Limitations Clarification Act of 2009, would amend the Employee Retirement Income Security Act (ERISA), the Public Health Service Act, and the Internal Revenue Code to require that, with regard to limitations on benefits for individuals enrolled in the plan: (1) the limitations are explicit and clear; (2) the limitations have been disclosed to the plan sponsor in writing in advance of sale; and (3) the plan sponsor provides a description of the limitations and restrictions to participants and beneficiaries in an easily understandable form before enrollment, and upon enrollment.

In the 110th Congress, H.R. 6908, the Health Insurance Restrictions and Limitation Clarification Act, introduced by Rep. Burgess of Texas, passed the House. H.R. 1253 is the same version as H.R. 6908 as passed by the House.

Legislative Summary

On March 3, 2009, H.R. 1253 was introduced by Rep. Burgess of Texas and referred to the Committee on Energy and Commerce,

and in addition to the Committee on Ways and Means and the Committee on Education and Labor.

On March 3, 2009, the Committee on Energy and Commerce met in open markup session and H.R. 1253 was ordered favorably reported to the House by a voice vote.

On March 30, 2009, the Committee on Energy and Commerce reported H.R. 1253 to the House (H. Rept. 111–62, Part I).

On March 31, 2009, H.R. 1253 passed the House, under suspension of the rules, with a rollcall vote of 422–3.

On April 1, 2009, H.R. 1253 was received in the Senate and referred to the Committee on Health, Education, Labor, and Pensions.

No further action was taken on H.R. 1253 in the 111th Congress.

HEALTH CARE PRICE TRANSPARENCY PROMOTION ACT OF 2009

(H.R. 2249)

To amend title XIX of the Social Security Act to provide for increased price transparency of hospital information and to provide for additional research on consumer information on charges and out-of-pocket costs.

Summary

H.R. 2249, the Health Care Price Transparency Promotion Act of 2009, would amend Title XIX (Medicaid) of the Social Security Act to require state Medicaid plans to provide that the state will establish and maintain laws to require disclosure of information on hospital charges, to make such information available to the public, and to provide individuals with information about estimated out-of-pocket costs for health care services.

The legislation would require the Director of the Agency for Healthcare Research and Quality to research and report to Congress on: (1) information on health care costs and out-of-pocket charges that individuals find useful in making decisions about where, when, and from whom to receive such care; (2) how such information varies depending on whether or not patients have health benefits coverage, or what kind of coverage they have; and (3) how such information may be made available, on a timely basis and in easy-to-understand form, to individuals facing health care decisions.

Legislative History

On May 5, 2009, H.R. 2249 was introduced by Rep. Burgess of Texas and referred to the Committee on Energy and Commerce.

On May 6, 2010, the Subcommittee on Health held a legislative hearing to consider H.R. 2249.

No further action was taken on H.R. 2249 in the 111th Congress.

ELIMINATING DISPARITIES IN BREAST CANCER TREATMENT ACT OF 2009

(H.R. 2279)

To amend title XVIII of the Social Security Act to eliminate contributing factors to disparities in breast cancer treatment through the development of a uniform set of consensus-based breast cancer

treatment performance measures for a 6-year quality reporting system and value-based purchasing system under the Medicare Program.

Summary

H.R. 2279, the Eliminating Disparities in Breast Cancer Treatment Act of 2009, would amend Title XVII (Medicare) of the Social Security Act to direct the Secretary of HHS to establish a breast cancer treatment quality performance system. This system would function to assess and disclose publicly, through the use of quality measures, the quality of care provided for the treatment of breast cancer by specified health care providers. In addition, beginning October 1, 2013, it would serve as the basis of the payment system to these providers for such treatment based on their performance with respect to such measures. The legislation would require reduced payments to providers that either do not submit data in accordance with the reporting process in the system, or furnish low quality care for women with breast cancer.

Legislative History

On May 6, 2009, H.R. 2279 was introduced by Rep. Castor of Florida and referred to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce.

On May 7, 2009, H.R. 2279 was referred to the Subcommittee on Health.

On October 8, 2009, the Subcommittee on Health held a legislative hearing to discuss H.R. 2279.

No further action was taken on H.R. 2279 in the 111th Congress.

INDIAN HEALTH CARE IMPROVEMENT ACT AMENDMENTS OF 2009

(H.R. 2708)

To amend the Indian Health Care Improvement Act to revise and extend that Act, and for other purposes.

Summary

H.R. 2708, the Indian Health Care Improvement Act Amendments of 2009, would revise and extend the Indian Health Care Improvement Act (P.L. 94-437) through fiscal year 2025. The bill would authorize programs relating to Indian health workforce, the delivery of health services, facilities construction and modernization, access to health services, urban Indians, behavioral health programs, and the Native American Health and Wellness Foundation. The bill would also make changes in the Medicare, Medicaid, and the Child Health Insurance (CHIP) programs to improve coverage of, and payment for, health services to Native Americans who are eligible for such programs.

Legislative History

On June 4, 2009, H.R. 2708 was introduced by Rep. Pallone of New Jersey and referred to the Committee on National Resources, and in addition to the Committee on Energy and Commerce and the Committee on Ways and Means.

On June 25, 2009, the Committee on Natural Resources of the Committee on Natural Resources held a hearing to consider H.R. 2708.

On October 20, 2009, the Subcommittee on Health held a legislative hearing to consider H.R. 2708.

No further action was taken on H.R. 2708 in the 111th Congress, although provisions of the legislation were included in the Patient Protection and Affordable Care Act (Public Law 111–148).

MEDICARE PREMIUM FAIRNESS ACT

(H.R. 3631)

To amend title XVIII to provide for the application of a consistent Medicare part B premium for all Medicare beneficiaries in a budget neutral manner for 2010.

Summary

H.R. 3631, the Medicare Premium Fairness Act, would amend title XVIII (Medicare) of the Social Security Act (SSA) with respect to the part B (Supplementary Medical Insurance Benefits for Aged and Disabled) premium for 2010. This legislation would make such a premium, and the related monthly actuarial rate, the same as those for 2009.

H.R. 3631 would require transfer from the Treasury general fund to the Federal Supplementary Medical Insurance Trust Fund of an amount estimated to be equivalent to the aggregate reduction in part B premiums resulting from application of this Act. The legislation would revise the formula for funding the Medicare Improvement Fund (MIF) to reduce (offset) the amount available to the MIF for fiscal year 2014 by the transferred amount plus \$567 million. H.R. 3631 would also make \$567 million the amount available to the MIF for fiscal year 2015.

Legislative History

On September 23, 2009, H.R. 3631 was introduced by Rep. Titus of Nevada and referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means.

On September 24, 2009, H.R. 3631 was referred to the Subcommittee on Health.

On September 24, 2009, H.R. 3631 passed the House, under suspension of the rules, by a rollcall vote of 406–18.

On September 25, 2009, H.R. 3631 was received in the Senate, read twice, and referred to the Committee on Finance.

No further action was taken on H.R. 3631 in the 111th Congress.

TRANSPARENCY IN ALL HEALTH CARE PRICING ACT OF 2010

(H.R. 4700)

To provide for transparency in health care pricing, and for other purposes.

Summary

H.R. 4700, the Transparency in All Health Care Pricing Act of 2010, would require all individuals and business entities, including

hospitals, physicians, nurses, pharmacies, pharmaceutical manufacturers, dentists, and the insurance entities that offer or furnish health care-related items, products, services, or procedures (as defined by the Secretary of HHS), to publicly disclose, on a continuous basis, all prices for such items, products, services, or procedures. The bill would authorize the Secretary of HHS to impose penalties on individuals or entities that fail to comply with the disclosure requirements.

Legislative History

On February 25, 2010, H.R. 4700 was introduced by Rep. Kagen of Wisconsin and referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, and the Committee on Oversight and Government Reform.

On May 6, 2010, the Subcommittee on Health held a legislative hearing to consider H.R. 4700.

No further action was taken on H.R. 4700 in the 111th Congress.

PATIENTS' RIGHT TO KNOW ACT

(H.R. 4803)

To ensure health care consumer and provider access to certain health benefits plan information and to amend title XIX of the Social Security Act to provide transparency in hospital price and quality information.

Summary

H.R. 4803, the Patients' Right to Know Act, would require each entity offering a health benefits plan to make available to enrollees and potential enrollees specified information about the plan, including covered items and services, a list of limitations and restrictions, details about the claims appeal process and out-of-pocket cost-sharing, among other things.

H.R. 4803 would amend Title XIX (Medicaid) of the Social Security Act to require state Medicaid plans to provide that the state will establish and maintain laws to require disclosure, to the public and to the Secretary of HHS of information on the prices for and quality of certain services at hospitals and ambulatory surgical centers.

Legislative History

On March 10, 2010, H.R. 4803 was introduced by Rep. Barton of Texas and referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, and the Committee on Oversight and Government Reform.

On March 11, 2010, H.R. 4803 was referred to the Subcommittee on Health.

On May 6, 2010, the Subcommittee on Health held a legislative hearing on H.R. 4803.

No further action was taken on H.R. 4803 in the 111th Congress.

DIRECTING THE SECRETARY OF HEALTH AND HUMAN SERVICES TO TRANSMIT TO THE HOUSE OF REPRESENTATIVES COPIES OF EACH PORTION OF ANY DOCUMENT, RECORD, OR COMMUNICATION IN HER POSSESSION CONSISTING OF OR RELATING TO DOCUMENTS PREPARED BY OR FOR THE CENTERS FOR MEDICARE & MEDICAID SERVICES REGARDING THE PATIENT PROTECTION AND AFFORDABLE CARE ACT, AND FOR OTHER PURPOSES

(H. Res. 1561)

Summary

H. Res. 1561 would direct the Secretary of HHS to transmit to the House of Representatives copies of each portion of any document, record, or communication in the Secretary's possession consisting of, referring to, or relating to any of the following: (1) documents prepared by or for the Centers for Medicare & Medicaid Services Office of the Actuary regarding the Patient Protection and Affordable Care Act or the Health Care and Education Reconciliation Act of 2010; (2) communications between any officer or employee of such Office and any person not an officer or employee of such Office regarding data sources, assumptions, or methodologies use for purposes of any such document; (3) communications to or from any officer or employee of the Congressional Budget Office (CBO) relating to any such document; and (4) communications to or from any HHS officer or employee relating to the April 22, 2010, report of the Chief Actuary Richard S. Foster entitled "Estimated Financial Effects of the Patient Protection and Affordable Care Act, as Amended," the report's impact on passage of either of these Acts, or the timing of the release of such report.

Legislative History

On July 27, 2010, H. Res. 1561 was introduced by Rep. Burgess of Texas and referred to the Committee on Energy and Commerce.

On July 28, 2010, H. Res. 1561 was referred to the Subcommittee on Health.

On September 23, 2010, the Committee on Energy and Commerce met in open markup session and H. Res. 1561 was ordered reported without a recommendation by a rollcall vote of 26–17.

On September 29, 2010, the Committee on Energy and Commerce reported H. Res. 1561 to the House (H. Rept. 111–649). That same day H. Res. 1561 was placed on the House Calendar.

No further action was taken on H. Res. 1561 in the 111th Congress.

PUBLIC HEALTH

OVERSIGHT ACTIVITIES

HOW DO WE FIX THE AILING FOOD SYSTEM?

On March 11, 2009, the Subcommittee on Health held an oversight hearing to explore the ability of FDA to oversee the safety of the nation's food supply. The Subcommittee received testimony from representatives of the Center for Science in the Public Inter-

est, the Alliance for a Stronger FDA, the United Fresh Produce Association, Fresh Express, and an academic expert.

SWINE FLU OUTBREAK AND THE U.S. FEDERAL RESPONSE

On April 30, 2009, the Subcommittee on Health held an oversight hearing to examine the outbreak of swine flu and the next steps for a federal response by HHS. The committee received testimony from the Assistant Secretary for Preparedness and Response and from representatives of the Centers for Disease Control and Prevention and the Food and Drug Administration.

EMERGING HEALTH CARE ISSUES: FOLLOW-ON BIOLOGIC DRUG COMPETITION

On June 11, 2009, the Subcommittee on Health held an oversight hearing on a report of the Federal Trade Commission titled "Emerging Health Care Issues: Follow-On Biologic Drug Competition." The Subcommittee received testimony from the Commissioner of the Federal Trade Commission.

MEDICAL DEVICES: ARE CURRENT REGULATIONS DOING ENOUGH FOR PATIENTS?

On June 18, 2009, the Subcommittee on Health held an oversight hearing to examine the regulation of medical devices by FDA. The Subcommittee received testimony from representatives of the Government Accountability Office, the Medical Device Safety Institute, the Public Citizen's Health Research Group, and an independent consultant.

H1N1 PREPAREDNESS: AN UPDATE OF VACCINE PRODUCTION AND DISTRIBUTION

On November 18, 2009, the Subcommittee on Health held a joint oversight hearing with the Subcommittee on Oversight and Investigations, to examine the response to the H1N1 influenza pandemic. The Subcommittee received testimony from representatives of the Department of Health and Human Services, the Food and Drug Administration, the National Center for Immunization and Respiratory Diseases at the Centers for Disease Control and Prevention, the Texas Department of State Health Services, Trust for America's Health, CSL Biotherapies, Novartis Vaccines USA, MedImmune, and Sanofi Pasteur.

BREAST CANCER SCREENING RECOMMENDATIONS

On December 2, 2009, the Subcommittee on Health held an oversight hearing to examine the U.S. Preventive Services Task Force's updated recommendations on mammography use that were issued in November 2009. The Subcommittee received testimony from the Chair and Vice Chair of the U.S. Preventive Services Task Force, and representatives of the American Cancer Society, the Susan G. Komen for the Cure Advocacy Alliance, the American College of Physicians' Clinical Assessment Efficacy Subcommittee, and the National Breast Cancer Coalition.

PRESCRIPTION DRUG PRICE INFLATION: ARE PRICES RISING TOO FAST

On December 8, 2009, the Subcommittee on Health held an oversight hearing to examine the rapid price increases for brand-name prescription drugs. The Subcommittee received testimony from representatives of the Pharmaceutical Research and Manufacturers of America (PhRMA), Families USA, AARP, and two academic experts.

INNOVATIONS IN ADDRESSING CHILDHOOD OBESITY

On December 16, 2009, the Subcommittee on Health held an oversight hearing to examine innovative strategies to reduce obesity among children and adolescents. The Subcommittee received testimony from representatives of the Centers for Disease Control and Prevention, the Eunice Kennedy Shriver National Institute of Child Health and Human Development at the National Institutes of Health, the Jaws Youth Fund, the American Academy of Pediatrics, The Reinvestment Fund, the Grocery Manufacturers Association, and the Robert Wood Johnson Foundation.

MEDICAL RADIATION: AN OVERVIEW OF THE ISSUES

On February 26, 2010, the Subcommittee on Health held an oversight hearing to explore the benefits and risks of the use of radiation in medicine. The Subcommittee received testimony from individuals with experience with radiation therapy, academic experts, and representatives of the American Society for Radiation Oncology, the American Association of Physicists in Medicine, the American Society of Radiologic Technologists, the American College of Radiology, the VA New Jersey Health Care System, the Medical Imaging Technology Alliance, and Medicalis, Inc.

DRUG SAFETY: AN UPDATE FROM THE FOOD AND DRUG
ADMINISTRATION

On March 10, 2010, the Subcommittee on Health held an oversight hearing on drug safety issues and FDA response to such issues. The Subcommittee received testimony from the Principal Deputy Commissioner of the FDA.

THE NATIONAL CANCER INSTITUTE'S CANCER RESEARCH: TODAY'S
PROGRESS, TOMORROW'S CHALLENGES

On March 23, 2010, the Subcommittee on Health held an oversight hearing to examine cancer research efforts of the National Cancer Institute (NCI). The Subcommittee received testimony from representatives of NCI, the Cancer Institute of New Jersey, the Pancreatic Cancer Action Network, Friends of Cancer Research, and a family member of a cancer patient.

SMOKELESS TOBACCO: IMPACT ON THE HEALTH OF OUR NATION'S
YOUTH AND USE IN MAJOR LEAGUE BASEBALL

On April 14, 2010, the Subcommittee on Health held an oversight hearing on smokeless tobacco. The Subcommittee received testimony from the Executive Vice President of Labor Relations and Human Resources for Major League Baseball, the Chief Labor

Counsel for the Major League Baseball Players Association, users of smokeless tobacco, an academic expert, and representatives of the Office on Smoking and Health at the Centers for Disease Control and Prevention and the National Cancer Institute.

THE ENVIRONMENT AND HUMAN HEALTH: THE ROLE OF THE
DEPARTMENT OF HEALTH AND HUMAN SERVICES

On April 22, 2010, the Subcommittee on Health held an oversight hearing on the environment and human health and the work of HHS in studying, tracking, and addressing the effects of environmental factors on human health and illness. The Subcommittee received testimony from representatives of the National Institute of Environmental Health Sciences and the National Toxicology Program, and the National Center for Environmental Health and the Agency for Toxic Substances and Disease Registry.

ANTIBIOTIC RESISTANCE AND THE THREAT TO PUBLIC HEALTH

On April 28, 2010, the Subcommittee on Health held an oversight hearing on antibiotics and antibiotic resistance. The Subcommittee received testimony from representatives of CDC and the National Institute of Allergy and Infectious Diseases at the National Institutes of Health.

PREMATURITY AND INFANT MORTALITY: WHAT HAPPENS WHEN BABIES
ARE BORN TOO EARLY?

On May 12, 2010, the Subcommittee on Health held an oversight hearing on premature births and infant mortality. The Subcommittee received testimony from representatives of the Maternal and Infant Health Branch of the Division of Reproductive Health at the National Center for Chronic Disease Prevention and Health Promotion at CDC, the Pregnancy and Perinatology Branch of the National Institute of Child Health and Human Development at NIH, the March of Dimes Foundation, the USF College of Public Health, and the American Enterprise Institute for Public Policy Research.

EFFECTS OF DEVELOPMENTS IN SYNTHETIC GENOMICS

On May 27, 2010, the Subcommittee on Health held a joint oversight hearing with the Subcommittee on Energy and Environment on the effects of developments in synthetic genomics. The Subcommittees received testimony from representatives of the National Institute of Allergy and Infectious Diseases of the National Institutes of Health, the J. Craig Venter Institute, the Lawrence Berkeley National Laboratory, The Hastings Center, and an academic expert.

PROMOTING THE DEVELOPMENT OF ANTIBIOTICS AND ENSURING
JUDICIOUS USE IN HUMANS

On June 9, 2010, the Subcommittee on Health held an oversight hearing on the availability and appropriate use of antibiotics. The Subcommittee received testimony from representatives of the Center for Drug Evaluation and Research at the Food and Drug Administration, Biomedical Advanced Research and Development Au-

thority at HHS, the Infectious Diseases Society of America Antimicrobial Availability Task Force, the American Medical Association Council on Science and Public Health, the American Academy of Pediatrics, Cubist Pharmaceuticals, and Trust for America's Health.

THE NATIONAL INSTITUTES OF HEALTH IN THE 21ST CENTURY: THE
DIRECTOR'S PERSPECTIVE

On June 15, 2010, the Subcommittee on Health held an oversight hearing on programs and activities at NIH. The Subcommittee received testimony from the Director of the National Institutes of Health.

DEPARTMENT OF HEALTH AND HUMAN SERVICES' ACTIONS TO
IDENTIFY AND ADDRESS THE HEALTH EFFECTS OF THE BP OIL SPILL

On June 16, 2010, the Subcommittee on Health held an oversight hearing on the Deepwater Horizon Oil Spill. The Subcommittee received testimony from representatives of the National Institute of Occupational Safety and Health, FDA, the Office of the Assistant Secretary for Preparedness and Response, and the National Institute of Environmental Health Sciences at NIH.

THE BATTLE AGAINST DIABETES: PROGRESS MADE, CHALLENGES
UNMET

On July 1, 2010, the Subcommittee on Health held an oversight hearing on diabetes. The Subcommittee received testimony from representatives of the Division of Diabetes Translation at CDC, and the Division of Diabetes, Endocrinology, and Metabolic Diseases at the National Institute of Diabetes and Digestive and Kidney Diseases, the Juvenile Diabetes Research Foundation, the American Diabetes Association, and the National Indian Health Board.

ANTIBIOTIC RESISTANCE AND THE USE OF ANTIBIOTICS IN ANIMAL
AGRICULTURE

On July 14, 2010, the Subcommittee on Health held an oversight hearing on the use of antibiotics in food-producing animals and the impact of this use on human health. The Subcommittee received testimony from representatives of FDA; the Animal and Plant Health Inspection Service at the United States Department of Agriculture; the National Center for Emerging and Zoonotic Infectious Disease at the Centers for Disease Control and Prevention; the Division of Chemical Food Safety, Animal Welfare and Veterinary Medicinal Products at the Danish Veterinary and Food Administration; the Human Health and Industrial Farming Campaign of the Pew Charitable Trusts, the American Veterinary Medical Association, the Animal Health Institute, and three academic experts.

ALZHEIMER'S DISEASE: THE ONGOING CHALLENGES

On December 9, 2010, the Subcommittee on Health held an oversight hearing on Alzheimer's disease. The Subcommittee received testimony from representatives of the National Institute of Aging at the National Institutes of Health, the Alzheimer's Association,

the Alzheimer's Foundation of America, and the Coalition Against Major Disease at the Critical Path Institute.

HEALTH FINANCE

OVERSIGHT ACTIVITIES

MAKING HEALTH CARE WORK FOR AMERICAN FAMILIES: DESIGNING A HIGH PERFORMANCE HEALTH SYSTEM

On March 10, 2009, the Subcommittee on Health held an oversight hearing to explore how the United States should build a high-performance health care system. This was the first of a series of hearings in the 111th Congress on health reform. The Subcommittee received testimony from the Secretary of the Louisiana Department of Health and Hospitals, and representatives of the Center for Science in the Public Interest, the Medicare Payment Advisory Commission (MedPAC), the Institute of Medicine, the Medical Association of Georgia, and an academic expert.

MAKING HEALTH CARE WORK FOR AMERICAN FAMILIES: ENSURING AFFORDABLE COVERAGE

On March 17, 2009, the Subcommittee on Health held an oversight hearing to explore why health insurance premiums continue to outpace wage growth. This was the second of a series of hearings on health reform. The Subcommittee received testimony from the Superintendent of Insurance for the State of Maine Bureau of Insurance, and representatives of the Center for American Progress Action Fund, Pacific Research Institute, the Commonwealth Health Insurance Connector Authority, the Heritage Foundation, and three academic experts.

MAKING HEALTH CARE WORK FOR AMERICAN FAMILIES: IMPROVING ACCESS TO CARE

On March 24, 2009, the Subcommittee on Health held an oversight hearing to explore how to improve individual access to health care. This was the third of a series of hearings on health reform in the 111th Congress. The Subcommittee received testimony from representatives of the Joint Center for Political and Economic Studies, the McFarland Clinic PC, the Robert Wood Johnson Foundation, the Kaiser Commission on Medicaid and the Uninsured, and an academic expert.

MAKING HEALTH CARE WORK FOR AMERICAN FAMILIES: THE ROLE OF PUBLIC HEALTH

On March 31, 2009, the Subcommittee on Health held an oversight hearing on the role of public health in health reform. This was the fourth of a series of hearings in the 111th Congress on health reform. The Subcommittee received testimony from the Commissioner of the New Jersey Department of Health and Senior Services, the former U.S. Surgeon General and Director of the Satcher Health Leadership Institute at the Morehouse School of Medicine, and representatives of the Agency for Toxic Substances and Disease Registry at the Centers for Disease Control and Prevention, the L.A. County Department of Public Health, the Mount

Auburn Cambridge Independent Physician's Association, the National Center for Policy Analysis, and Trust for America's Health.

MAKING HEALTH CARE WORK FOR AMERICAN FAMILIES: SAVING
MONEY, SAVING LIVES

On April 2, 2009, the Subcommittee on Health held an oversight hearing to explore the ways to make health care more affordable for American families. This was the 5th in a series of hearings in the 111th Congress on health reform. The Subcommittee received testimony from representatives of the American Board of Internal Medicine and ABIM Foundation, the National Center for Policy Analysis, Pen Bay Physicians and Associates, the Heritage Foundation, the Center for Studying Health System Change, the Center for Health Transformation, the Institute for America's Future, and three academic experts.

THE PRESIDENT'S FISCAL YEAR 2011 BUDGET FOR THE DEPARTMENT OF
HEALTH AND HUMAN SERVICES

On February 4, 2010, the Committee on Energy and Commerce held an oversight hearing on the President's fiscal year 2011 budget for the Department of Health and Human Services (HHS). The Committee received testimony from the Secretary of HHS.

THE MEDICARE PAYMENT ADVISORY COMMISSION'S JUNE 2010 REPORT
TO CONGRESS: ALIGNING INCENTIVES IN MEDICARE

On June 23, 2010, the Subcommittee on Health held an oversight hearing on the Medicare Payment Advisory Commission's (MedPAC) June 2010 report to Congress. The Subcommittee received testimony from the Chairman of MedPAC.

MEDICARE'S COMPETITIVE BIDDING PROGRAM FOR DURABLE MEDICAL
EQUIPMENT: IMPLICATIONS FOR QUALITY, COST, AND ACCESS

On September 15, 2010, the Subcommittee on Health held an oversight hearing on Medicare's competitive bidding program for durable medical equipment. The Subcommittee received testimony from the Inspector General of HHS, representatives of the Centers for Medicare & Medicaid Services, the Government Accountability Office, Allcare Medical, Center for Medicare Advocacy, the Henry Ford Health System, and a health policy consultant.

CUTTING WASTE, FRAUD, AND ABUSE IN MEDICARE AND MEDICAID

On September 22, 2010, the Subcommittee on Health held an oversight hearing to explore how HHS is using available statutory tools to reduce waste, fraud, and abuse in Medicare and Medicaid programs. The Subcommittee received testimony from two members of Congress, the Inspector General of HHS, and the Centers for Medicare & Medicaid Services at HHS.

HEARINGS HELD

Making Health Care Work for American Families: Designing a High Performing Healthcare System (Day 1)—Oversight hearing on key health reform issues. Hearing held on March 10, 2009. PRINTED, Serial No. 111–11.

How Do We Fix Our Ailing Food Safety System?—Oversight hearing on the safety of the nation's food supply. Hearing held on March 11, 2009. PRINTED, Serial No. 111–12.

Making Health Care Work for American Families: Ensuring Affordable Coverage (Day 2)—Oversight hearing on key health reform issues. Hearing held on March 17, 2009. PRINTED, Serial No. 111–16.

Making Health Care Work for American Families: Improving Access to Care (Day 3)—Oversight hearing on key health reform issues. Hearing held on March 24, 2009. PRINTED, Serial No. 111–20.

Making Health Care Work for American Families: Protecting the Public Health (Day 4)—Oversight hearing on key health reform issues. Hearing held on March 31, 2009. PRINTED, Serial No. 111–24.

Making Health Care Work for American Families: Bending the Cost Curve (Day 5)—Oversight hearing on key health reform issues. Hearing held on April 2, 2009. PRINTED, Serial No. 111–27.

H.R. 847, the James Zadroga 9/11 Health and Compensation Act of 2009—Hearing on the James Zadroga 9/11 Health and Compensation Act. Hearing held on April 22, 2009. PRINTED, Serial No. 111–30.

Swine Flu Outbreak and the U.S. Federal Response—Oversight hearing to examine the outbreak of swine flu and the next steps for a federal response by the Department of Health and Human Services (HHS). Hearing held on April 30, 2009. PRINTED, Serial No. 111–33.

H.R. 1346, the Medical Device Safety Act of 2009—Hearing on the Medical Device Safety Act. Hearing held on May 12, 2009. PRINTED, Serial No. 111–39.

Food Safety Enhancement Act of 2009 Discussion Draft—Hearing on the Food Safety Enhancement Act discussion draft legislation. Hearing held on June 3, 2009. PRINTED, Serial No. 111–41.

Emerging Health Care Issues: Follow-On Biologic Drug Competition—Oversight hearing on a report of the Federal Trade Commission on biologic drugs. Hearing held on June 11, 2009. PRINTED, Serial No. 111–46.

Medical Devices: Are Current Regulations Doing Enough for Patients?—Oversight hearing on the regulation of medical devices by the Food and Drug Administration (FDA). Hearing held on June 18, 2009. PRINTED, Serial No. 111–52.

Health Care Reform (Draft Legislative Proposal)—Hearing on the proposed health care reform draft legislation. Hearing held on June 23, 2009–June 25, 2009. PRINTED, Serial No. 111–54.

Ryan White Extension Act of 2009—Hearing on Ryan White CARE Act discussion draft legislation. Hearing held on September 9, 2009. PRINTED, Serial No. 111–60.

H.R. 995, the Mammogram and MRI Availability Act of 2009, H.R. 1691, the Breast Cancer Patient Protection Act of 2009, H.R. 1740, the Breast Cancer Education and Awareness Requires Learning Young Act of 2009, and H.R. 2279, the Eliminating Disparities in Breast Cancer Treatment Act of 2009—Hearing on four bills related to breast cancer prevention, research, treatment, and quality

of care. Hearing held on October 7, 2009. PRINTED, Serial No. 111-69.

H.R. 2708, the Indian Health Care Improvement Act Amendments of 2009—Hearing on the Indian Health Care Improvement Act Amendments. Hearing held on October 20, 2009. PRINTED, Serial No. 111-74.

H1N1 Preparedness: An Overview of Vaccine Production and Distribution—Oversight hearing on the response to the H1N1 influenza pandemic. Hearing held jointly with the Subcommittee on Oversight and Investigations on November 18, 2009. PRINTED, Serial No. 111-82.

Breast Cancer Screening Recommendations—Oversight hearing on the updated breast cancer recommendations that were issued by the U.S. Preventive Services Task Force on Monday, November 16, 2009. Hearing held on December 2, 2009. PRINTED, Serial No. 111-85.

Prescription Drug Price Inflation: Are Prices Rising Too Fast?—Oversight hearing on recent reports of rapid price increases for brand-name prescription drugs. Hearing held on December 8, 2009. PRINTED, Serial No. 111-87.

Innovations in Addressing Childhood Obesity—Oversight hearing on innovative strategies to reduce obesity among children and adolescents. Hearing held on December 16, 2009. PRINTED, Serial No. 111-90.

Medical Radiation: An Overview of the Issues—Oversight hearing on the benefits and risks of the use of radiation in medicine. Hearing held on February 26, 2010. PRINTED, Serial No. 111-100.

Drug Safety: An Update from the FDA—Oversight hearing on drug safety issues, and the Food and Drug Administration (FDA) response to such issues. Hearing held on March 10, 2010. PRINTED, Serial No. 111-103.

NCI Cancer Research: Today's Progress; Tomorrow's Challenges—Oversight hearing on the National Cancer Institute's (NCI) cancer research efforts. Hearing held on March 23, 2010. PRINTED, Serial No. 111-108.

Smokeless Tobacco: Impact on the Health of our Nation's Youth and Use in Major League Baseball—Oversight hearing on smokeless tobacco products, diseases linked to the use of these products, and the correlation between smokeless tobacco use by youth and Major League Baseball players. Hearing held on April 14, 2010. PRINTED, Serial No. 111-110.

The Environment and Human Health: The Role of HHS—Oversight hearing on the environment and human health and the work of the Department of Health and Human Services (HHS). Hearing held on April 22, 2010. PRINTED, Serial No. 111-112.

Antibiotic Resistance and the Threat to Public Health—Oversight hearing on antibiotics and antibiotic resistance. Hearing held on April 28, 2010. PRINTED, Serial No. 111-115.

H.R. 4700, the Transparency in All Health Care Pricing Act of 2010; H.R. 2249, the Health Care Price Transparency Promotion Act of 2009; and H.R. 4803, the Patients' Right to Know Act—Hearing on three bills related to transparency in health care. Hearing held on May 6, 2010. PRINTED, Serial No. 111-119.

Prematurity and Infant Mortality: What Happens When Babies Are Born Too Early?—Oversight on premature births and infant mortality. Hearing held on May 12, 2010. PRINTED, Serial No. 111–121.

Promoting the Development of Antibiotics and Ensuring Judicious Use in Humans—Oversight hearing on the availability and appropriate use of antibiotics. Hearing held on June 9, 2010. PRINTED, Serial No. 111–130.

NIH in the 21st Century: The Director's Perspective—Oversight hearing on programs and activities at the National Institutes of Health (NIH). Hearing held on June 15, 2010. PRINTED, Serial No. 111–133.

HHS Actions to Identify and Address Health Effects of the BP Oil Spill—Oversight hearing on the response of the Department of Health and Human Services (HHS) to the public health risks associated with the Deepwater Horizon Oil Spill. Hearing held on June 16, 2010. PRINTED, Serial No. 111–135.

MedPAC's June 2010 Report to Congress: Aligning Incentives in Medicare—Oversight hearing on the Medicare Payment Advisory Commission (MedPAC) June 2010 report to Congress. Hearing held on June 23, 2010. PRINTED, Serial No. 111–139.

The Battle Against Diabetes: Progress Made; Challenges Unmet—Oversight hearing on advances in research into diabetes. Hearing held on July 1, 2010. PRINTED, Serial No. 111–141.

Antibiotic Resistance and the Use of Antibiotics in Animal Agriculture—Oversight hearing on the use of antibiotics in food-producing animals and the impact of this use on human health. Hearing held on July 14, 2010. PRINTED, Serial No. 111–144.

H.R. 5710, the National All-Schedules Electronic Reporting Reauthorization Act of 2010; and H.R. 5809, the Safe Drug Disposal Act—Hearing on two bills relating to the abuse of prescription medications. Hearing held on July 22, 2010. PRINTED, Serial No. 111–146.

Implementation of the Health Information Technology for Economic and Clinical Health (HITECH) Act—Hearing on the progress and plans for implementation of the provisions of the HITECH Act aimed at nationwide electronic use and exchange of health information. Hearing held on July 27, 2010. PRINTED, Serial No. 111–149.

Protecting School-Aged Children from Sports-related Concussion Injury—Hearing on H.R. 1347, the Concussion Treatment and Care Tools Act. Hearing held on September 8, 2010. PRINTED, Serial No. 111–153.

Legislative Hearing on Pending Public Health Legislation—Hearing on pending public health bills, H.R. 211, H.R. 758, H.R. 1032, H.R. 1210, H.R. 1230, H.R. 1347, H.R. 1362, H.R. 1995, H.R. 2408, H.R. 2818, H.R. 2941, H.R. 2999, H.R. 5354, H.R. 5462, H.R. 5986, H.R. 6012, H.R. 6081, H.R. 6109, and H.R. 6110. Hearing held on September 15, 2010. PRINTED, Serial No. 111–154.

Medicare's Competitive Bidding Program for Durable Medical Equipment: Implications for Quality, Cost and Access—Oversight hearing on Medicare's competitive bidding program for durable medical equipment. Hearing held on September 15, 2010. PRINTED, Serial No. 111–155.

Cutting Waste, Fraud, and Abuse in Medicare and Medicaid—Oversight hearing on how the Department of Health and Human Services (HHS) is using available statutory tools to reduce waste, fraud, and abuse in Medicare and Medicaid programs. Hearing held on September 22, 2010. PRINTED, Serial No. 111–158.

Discussion Draft of Drug Safety Legislation—Hearing on drug safety discussion draft legislation. Hearing held on September 30, 2010. PRINTED, Serial No. 111–161.

Alzheimer's Disease: The Ongoing Challenges—Oversight hearing on Alzheimer's disease. Hearing held on December 9, 2010. PRINTED, Serial No. 111–163.

SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS

INTRODUCTION

During the 111th Congress, the Subcommittee on Oversight and Investigations conducted major inquiries into federal agencies within the Committee's jurisdiction, including the Departments of Commerce, Energy, Health and Human Services, Interior, and Homeland Security, the Food and Drug Administration, the National Institutes of Health, the Consumer Product Safety Commission, Chemical Safety and Hazard Investigation Board, the Federal Trade Commission, the Federal Communications Commission, the National Highway Traffic Safety Administration, and the Environmental Protection Agency.

This oversight has exposed improper and illegal activities, fraud, waste and abuse of taxpayer dollars, strengthened our national security and defense against terrorists, highlighted inconsistencies within the healthcare insurance industry, and identified environmental protection and consumer safety issues. These investigations provided the basis for a number of major legislative initiatives of the Committee and will form the foundation for additional investigative and legislative actions in the next Congress.

HEARINGS AND OTHER INVESTIGATIVE ACTIVITIES PERTAINING TO PUBLIC HEALTH AND HEALTH CARE

HEARINGS

INSTITUTIONAL REVIEW BOARDS THAT OVERSEE EXPERIMENTAL TESTING FOR PROFIT

On March 26, 2009, the Subcommittee held a hearing on the role of institutional review boards (IRBs) in protecting the health of men, women, and children who participate in experimental biomedical testing. In 2008, the Subcommittee asked the Government Accountability Office (GAO) to investigate whether IRBs were approving experimental research protocols without sufficient scrutiny in order to collect fees.

GAO invented a fictitious company, developed a fake medical protocol, and got it approved by a legitimate IRB. GAO stated that one IRB "approved our bogus research protocol for human subjects testing after only minor edits to our submission materials, even though we were a bogus company with falsified credentials and an unproven medical device." The company that approved the fake protocol, Coast IRB, testified at the hearing about their actions. The Subcommittee also heard testimony from GAO, the Department of Health and Human Services (HHS) and the Food and Drug Administration (FDA). Following the hearing, Coast IRB ceased business operations in April 2009.

TERMINATIONS OF INDIVIDUAL HEALTH POLICIES BY INSURANCE COMPANIES

The Subcommittee examined the practice of “post-claims underwriting,” a practice also known as “rescission” through which insurance companies cancel individual health insurance policies after providers submit claims for medical services rendered. The investigation into this practice demonstrated that the market for individual health insurance in the United States was fundamentally flawed.

On July 17, 2009, the Subcommittee held a hearing titled “Terminations of Individual Health Policies by Insurance Companies.” At this hearing, the Subcommittee heard from health insurance company chief executive officers, individuals who had been affected by the termination of their health insurance policies, and an academic specializing in health policy matters. The Subcommittee also held a field hearing on the practice in New Albany, Indiana, on July 27, 2009, titled “Terminations of Individual Health Policies by Insurance Companies: State Perspectives and Legislative Solutions.” The Subcommittee heard testimony from local stakeholders and health insurance company representatives. This field hearing provided a critical forum for Congress to understand the concerns of local communities as lawmakers developed national health care policies.

The Subcommittee’s investigation revealed that insurance companies exploit inconsistent state and federal laws to engage in a series of controversial practices. For example, rather than reviewing medical histories when applications are submitted, some insurance companies award policies quickly to begin collecting premiums. If the policyholders subsequently get sick and file expensive claims, these insurance companies initiate investigations to scrutinize the details of the policyholder’s application materials and medical records. If the insurance companies find discrepancies, omissions, or misrepresentations, they can retroactively cancel policies, return premiums, and refuse payment for incurred medical services.

The investigation also uncovered evidence that some insurance companies rescind coverage even when discrepancies are unintentional or caused by others; insurance companies rescind coverage for conditions that are unknown to policyholders; some insurance companies rescind coverage for discrepancies unrelated to the medical conditions for which the insured patient sought medical care; insurance companies rescind coverage for family members who committed no misrepresentations; insurance companies automatically investigate medical histories for all policyholders with certain conditions; and insurance companies have evaluated employee performance based on the amount of money their employees saved the company through rescissions.

The Patient Protection and Affordable Care Act (P.L. 111–148), signed into law by President Obama on March 23, 2010, banned the practice of rescissions that the Subcommittee investigated. America’s Health Insurance Plans, a trade association that represents health insurers nationwide, announced that insurance companies would comply with the health reform rescission standards in May 2010, four months ahead of the law’s requirements.

INSURED BUT NOT COVERED: THE PROBLEM OF UNDERINSURANCE

The Subcommittee scrutinized the problem of healthcare underinsurance. Underinsurance—when individuals have health insurance policies that do not adequately cover their health care expenses—can result from a variety of limitations within insurance policies and can lead to medical debt, medically-related bankruptcy, and “spending down” of household income in order to qualify for Medicaid and other government assistance. Escalating health costs have exacerbated the problem of underinsurance, with an estimated 25 million underinsured Americans in 2007.

On October 15, 2009, the Subcommittee held a hearing titled “Insured But Not Covered: The Problem of Underinsurance.” The Subcommittee heard from individual policy holders and community stakeholders regarding their experiences with underinsurance. The Patient Protection and Affordable Care Act (P.L. 111–148), signed into law by President Obama on March 23, 2010, will ease the problem of underinsurance by eliminating lifetime caps and mandating an “essential health benefit” package that must cover basic expenses in the individual health insurance market beginning in 2014.

THE HIGH COST OF SMALL BUSINESS HEALTH INSURANCE: LIMITED OPTIONS, LIMITED COVERAGE

Small businesses are at a competitive disadvantage in the private health insurance market. Small businesses pay higher costs compared to large businesses for the same policy due to higher per-employee administrative costs, higher broker fees, and underwriting rules that allow for high premiums for sicker and older workers.

Small companies pay on average about 18% more than large employers for the same level of coverage, and these costs keep rising. The average annual cost of a family premium for employer-sponsored health coverage in a small firm was \$12,696 in 2009, an increase of 30% since 2004 and 123% since 1999. Small businesses can experience steep annual premium increases, which creates significant budgeting challenges for the small firms that provide health coverage to employees. In a 2009 survey, 15% of small businesses reported being offered renewal premium rate increases of over 20% for the plan they had held the year before.

As a result of these steep increases, a growing number of small businesses simply cannot afford to provide health insurance benefits to their employees. While 98% of firms with 200 or more employees offer health benefits, only 59% of those with fewer than 200 employees offer health benefits. The smaller the firm, the less likely it is to offer health coverage. Only 46% of firms with 3–9 employees offer coverage, a decline from 58% in 2002. Most small firms not offering health coverage cite cost as the “most important reason” for their inability to offer it.

At an October 20, 2009, Subcommittee hearing titled “The High Cost of Small Business Health Insurance: Limited Options, Limited Coverage,” several small business owners testified about their commitment to providing health coverage for their employees, steep premium increases they had experienced after employees became

ill, and difficult decisions they faced about cutting coverage or cutting jobs to make up for the rising cost of health benefits. Urban Institute health policy and economics expert Linda Blumberg testified about the unique struggles of small businesses in the health insurance market and the ways in which the Patient Protection and Affordable Care Act (P.L. 111–148) would offer relief to small business owners and their workers.

H1N1 PREPAREDNESS: AN OVERVIEW OF VACCINE PRODUCTION AND DISTRIBUTION

Following the spread of a fast-moving and lethal strain of H1N1 influenza in early 2009, the Subcommittee on Oversight and Investigations and the Subcommittee on Health examined the sufficiency of the government's response to the virus. In a joint hearing titled "H1N1 Preparedness: An Update of Vaccine Production and Distribution," held November 4, 2009, the Subcommittees took testimony from representatives from the Centers for Disease Control and Prevention (CDC), the Department of Health and Human Services, the Food and Drug Administration, vaccine producers, and a local health commissioner. The Subcommittee examined lessons learned to prevent delays and panic in response to future pandemics.

PREMIUM INCREASES BY ANTHEM BLUE CROSS IN THE INDIVIDUAL HEALTH INSURANCE MARKET

The Subcommittee held a hearing on February 24, 2010, titled "Premium Increases by Anthem Blue Cross in the Individual Health Insurance Market" to investigate proposed premium rate increases by as much as 39% by Anthem Blue Cross, a subsidiary of WellPoint, Inc., in the individual health insurance market in California.

The Subcommittee's investigation uncovered internal company documents that appeared to undermine WellPoint's assertion that increasing profits was not a factor in the proposed rate increase and that the proposed 25% average rate increase was necessary. Corporate documents indicated that the rate increases could have been even higher for some plans and suggested that WellPoint's business plan included moving consumers into less comprehensive plans. Documents also showed that WellPoint developed a 12-point plan to reduce its medical loss ratio, the proportion of premium revenues that a health insurance plan uses to pay medical claims.

Following the hearing, Anthem Blue Cross postponed the premium rate increases and subsequently canceled the hikes in April 2010 after errors were uncovered in the documentations Anthem submitted to the California Department of Insurance to justify the proposed rate increases.

REPORTS AND MEMORANDA

PROFITS, MARKETING, AND CORPORATE EXPENSES IN THE MEDICARE ADVANTAGE MARKET

At the request of Committee Chairman Waxman and Subcommittee Chairman Stupak, the majority staff released in December 2009 a report titled "Profits, Marketing, and Corporate Ex-

penses in the Medicare Advantage Market,” offering insights into the Medicare Advantage market by analyzing data from 34 major Medicare Advantage insurers. The Subcommittee obtained information on premium revenues, medical claims payments, marketing costs, administrative expenses, executive compensation, corporate retreats, and profits.

The investigation found that from 2005 through 2008, the average Medicare Advantage insurer spent over 15% of premium revenue on profits, marketing, and other corporate expenses. The total amount spent on profits, marketing, and other corporate expenses by Medicare Advantage insurers over the last four years was \$27 billion. If Medicare Advantage insurers had been required to spend at least 85% of their total premium revenues on medical claims, they would have spent an additional \$3 billion on their beneficiaries’ medical care from 2005 through 2008.

The investigation also found that in 2007 and 2008, Medicare Advantage insurers with medical loss ratios lower than 85% paid their executives more than \$1.2 billion and spent millions on expensive corporate retreats.

MATERNITY COVERAGE IN THE INDIVIDUAL HEALTH INSURANCE MARKET

In October 2010, Committee Chairman Waxman and Subcommittee Chairman Stupak released a staff memorandum detailing the findings of an investigation into maternity coverage in the individual health insurance market. The memorandum found that (1) pregnant women, expectant fathers, and families in the process of adoption are unable to obtain health insurance in the individual market; (2) many health insurance plans in the individual market do not provide coverage for medical costs related to pregnancy; and (3) health insurance companies have business plans to reduce the coverage of maternity expenses in the individual market.

The four largest for-profit health insurance companies, Aetna, Humana, UnitedHealth Group, and WellPoint, have each listed pregnancy as a medical condition that would result in an automatic denial of individual health insurance coverage. Health insurance companies also sometimes exclude from coverage expectant fathers, candidates for surrogacy—whether they are the surrogate or recipient—and those in the process of adoption. Health insurance companies often exclude maternity care from coverage in the individual market. Not only do the insurance companies deny coverage to expectant parents, they often exclude maternity coverage from the plans they offer individuals who are not expecting at the time they subscribe. Women who cannot obtain maternity coverage under their standard insurance policies can sometimes purchase riders to provide some coverage. These riders, however, are expensive and offer limited benefits with high deductibles.

The health care reform legislation signed into law by President Obama will halt the practice of denying coverage to expectant parents. Under the Patient Protection and Affordable Care Act (P.L. 111–148), individual health insurance policies will be required to cover maternity expenses in the individual health insurance market. Beginning in 2014, health insurance companies will no longer

be able to deny coverage to women because they are pregnant or exclude maternity-related claims.

COVERAGE DENIALS FOR PRE-EXISTING CONDITIONS IN THE INDIVIDUAL HEALTH INSURANCE MARKET

In October 2010, Committee Chairman Waxman and Subcommittee Chairman Stupak released a staff memorandum detailing the findings of an investigation into coverage denials for pre-existing conditions in the individual health insurance market. The memorandum found that (1) the four largest for-profit health insurance companies denied more than 600,000 individuals coverage because of pre-existing conditions in the 3 years before passage of health care reform legislation and (2) the number of coverage denials increased significantly each year.

From 2007 through 2009, the four largest for-profit health insurance companies, Aetna, Humana, UnitedHealth Group, and WellPoint, refused to issue health insurance coverage to more than 651,000 people based on their prior medical history. On average, the four companies denied coverage to one out of every seven applicants based on a pre-existing condition. One of the four companies maintained a list of more than 400 medical diagnoses that triggered a permanent denial of health insurance coverage to applicants.

From 2007 through 2009, the number of people denied coverage for pre-existing conditions increased at a rapid rate. The number of individuals denied coverage by Aetna, Humana, UnitedHealth Group, and WellPoint increased from 172,400 in 2007 to 257,100 in 2009, an increase of 49%. During the same period, applications for enrollment increased by only 16%. From 2007 through 2009, Aetna, Humana, UnitedHealth Group, and WellPoint refused to pay 212,800 claims for medical treatment due to pre-existing conditions. In some cases, the companies offered health insurance to individuals with pre-existing conditions, but used medical riders to exclude coverage or increase deductibles for claims related to pre-existing conditions.

The Patient Protection and Affordable Care Act (P.L. 111-148) signed into law by President Obama prohibits the use of pre-existing conditions to deny coverage or claims. This provision became effective with respect to dependent children for policies issued on or after September 23, 2010. For adults, the ban on the use of pre-existing conditions takes effect on January 1, 2014. As a result, insurance companies will no longer be able to deny health coverage to people due to their medical history. The companies also will not be permitted to deny claims for treatments related to pre-existing conditions, and they will not be allowed to charge higher premiums based on covering individuals with pre-existing conditions.

OTHER INVESTIGATIVE ACTIVITIES

INTERNATIONAL LABOR PRACTICES BY PHILIP MORRIS

On July 16, 2010, the Subcommittee requested information from Philip Morris International on its labor practices in Kazakhstan and other Philip Morris International production markets. Independent entities had criticized the alleged exploitation of migrant

farm workers employed by tobacco farm owners for seasonal work in Kazakhstan. Farm owners in Kazakhstan supply tobacco solely to Philip Morris Kazakhstan, a subsidiary of Philip Morris International. The Subcommittee continues to monitor international labor practices in the tobacco industry.

SALES AND MARKETING OF FLAVORED TOBACCO PRODUCTS

On September 22, 2009, the Food and Drug Administration banned the sale of flavored cigarettes, including those flavored with clove. FDA took this action under the authority of the Family Smoking Prevention and Tobacco Control Act (P.L. 111–31), a law that originated within the Energy and Commerce Committee. On October 2, 2009, the Subcommittee on Oversight and Investigations requested information from several tobacco manufacturers regarding reports the companies were attempting to circumvent FDA’s ban on the sale of flavored cigarettes. The Subcommittee continues to monitor the implementation of the Family Smoking Prevention and Tobacco Control Act.

MARKETING AND SALES OF TOBACCO PRODUCTS TO CHILDREN

On April 22, 2010, the Subcommittee sent letters to six tobacco companies regarding changes in their marketing and production policies and practices as a result of the enactment of the Family Smoking Prevention and Tobacco Control Act (P.L. 111–31), the Children’s Health Insurance Program Reauthorization Act (P.L. 111–3), and related regulations. The Subcommittee continues to monitor the implementation of the Family Smoking Prevention and Tobacco Control Act, the Children’s Health Insurance Program Reauthorization Act, and related regulations.

LONG-TERM HEALTH EFFECTS EXPERIENCED BY OIL SPILL RESPONSE WORKERS

On July 1, 2010, Committee Chairman Waxman, Subcommittee Chairman Stupak, and Subcommittee on Health Chairman Pallone requested information and documents from Exxon Mobil Corporation related to health effects experienced by workers involved in the response to the Exxon Valdez oil spill. This inquiry was part of the Committee’s investigation of the explosion on the Deepwater Horizon drilling rig and the subsequent oil spill. The Subcommittee continues to review Exxon Mobil’s responses to understand better how to address the health impact on workers who assist in the Deepwater Horizon oil spill response effort.

MEDICAL DEVICES

Committee Chairman Waxman, Subcommittee Chairman Stupak, and Subcommittee on Health Chairman Pallone continued an inquiry into the rules and procedures used by the Food and Drug Administration to ensure that medical devices are safe and effective. As part of this investigation, the Subcommittee requested that the agency reexamine its decision in December 2008 to approve the Menaflex Collagen Scaffold, an orthopedic medical device used in the knee and manufactured by ReGen Biologics, Inc. The Subcommittee had received allegations that FDA approved the device

over the objection of FDA scientists. On October 13, 2010, the FDA announced that it would rescind the marketing clearance for ReGen's device because it should not have been approved without additional data demonstrating safety and effectiveness.

FDA ADVISORY COMMITTEE

The Subcommittee requested information from the Food and Drug Administration and Eli Lilly regarding the removal of a doctor from an FDA advisory committee reviewing the drug Prasugrel. The removal occurred after Eli Lilly, the manufacturer of the drug, contacted FDA officials with concerns about the doctor's prior criticism of the drug. Following the Committee's investigation, FDA officials acknowledged the agency had made a "mistake" by removing a doctor on the basis of an alleged intellectual conflict-of-interest. In April 2010, FDA released draft guidance that proposed the agency expand information disclosed about conflict-of-interest waivers for scientific advisers.

HEARING AND OTHER INVESTIGATIVE ACTIVITIES

PERTAINING TO FOOD SAFETY

HEARINGS

THE SALMONELLA OUTBREAK: THE CONTINUED FAILURE TO PROTECT THE FOOD SUPPLY

In late 2008, the Centers for Disease Control and Prevention identified an outbreak of *Salmonella* associated with peanut butter that sickened more than 600 people in 44 states and Canada. The Peanut Corporation of America (PCA) manufactured tainted peanut products that were sold to elementary schools, nursing homes, and hospitals. PCA voluntarily recalled the tainted products on January 13, 2009.

On February 11, 2009, the Subcommittee held a hearing titled "The *Salmonella* Outbreak: The Continued Failure to Protect the Food Supply." At this hearing, lawmakers released internal corporate communications between PCA officials that demonstrated that the company distributed tainted products even though they knew their products were testing positive for *Salmonella*. Stewart Parnell, the President of PCA, invoked his Fifth Amendment right not to testify at the hearing.

Following the hearing, on July 30, 2009, the House of Representatives passed H.R. 2749, the Food Safety Enhancement Act. Additionally, HHS launched a revised food safety website and FDA mandated more rapid food safety reporting.

THE SALMONELLA OUTBREAK: THE ROLE OF INDUSTRY IN PROTECTING THE NATION'S FOOD SUPPLY

On March 19, 2009, the Subcommittee held a hearing titled "The *Salmonella* Outbreak: The Role of Industry in Protecting the Nation's Food Supply." This hearing examined the obligations and actions of manufacturers and retailers that purchased tainted peanut products from the Peanut Corporation of America (PCA).

The Subcommittee heard testimony from three companies that purchased peanut products from PCA despite knowing of sanitary problems at PCA plants in Georgia and Texas. The Subcommittee questioned officials from the three companies, King Nut Peanut Butter, Austin Peanut Butter Crackers, and Vitamin Cottage Organic Peanut Butter, about their efforts to ensure the safety of the ingredients they used and the final products they manufactured. Members of the Subcommittee also questioned the propriety of having private, for-profit auditing firms inspect the facilities of PCA and other suppliers, while being paid by the companies they inspect.

Following the hearing, on July 30, 2009, the House of Representatives passed H.R. 2749, the Food Safety Enhancement Act. Additionally, HHS launched a revised food safety website and FDA mandated faster food safety reporting.

THE ROLE AND PERFORMANCE OF FDA IN ENSURING FOOD SAFETY

The Subcommittee held a hearing on May 6, 2010, titled “The Role and Performance of FDA in Ensuring Food Safety.” The Subcommittee heard testimony from the Government Accountability Office and Health and Human Services Office of the Inspector General (HHS OIG) about reports assessing FDA’s challenges and performance at ensuring food safety.

In GAO’s report on the safety of imported food, it found that FDA needs to improve its coordination with other agencies on enforcement. For example, GAO testified that FDA and Customs and Border Protection should work together to assign a unique identification number to firms that import food. GAO also questioned whether FDA’s current penalties are sufficient to deter an importer from violating FDA requirements. GAO found that the monetary bond required to provide assurance that food shipments into the United States meet U.S. requirements was too small to deter importers from violating U.S. law, and that some importing firms view it as merely a cost of doing business.

The HHS OIG report focused on FDA’s inspections of domestic food facilities. The HHS OIG found that FDA inspected only 24% of food facilities each year between 2004 and 2008. The number of FDA inspections declined during that time, even as the number of facilities increased. Over the course of five years, FDA failed to inspect 56% of facilities that were subject to its authority and only inspected an additional 14% once.

THE OUTBREAK OF SALMONELLA IN EGGS

The Subcommittee held a hearing on September 22, 2010, titled “The Outbreak of *Salmonella* in Eggs.” Wright County Egg and Hillandale Farms of Iowa issued a nationwide voluntary recall of potentially tainted shell eggs in August 2010 after an outbreak of *Salmonella* in this country. The two companies voluntarily recalled approximately 550 million eggs due to possible *Salmonella* contamination.

In the course of its investigation, the Subcommittee obtained records showing that Wright County Egg confirmed *Salmonella* contamination in its Iowa facilities prior to the widespread outbreak of illness caused by tainted eggs. Environmental sample re-

ports between 2008 and 2010 indicate that Wright County Egg received 426 positive results for *Salmonella*, including 73 samples that were potentially positive for *Salmonella Enteritidis*, the same strain that sickened nearly 1,600 people during the 2010 outbreak.

The Subcommittee again raised concerns about third party auditors that inspect food facilities. Wright County Egg received favorable inspections from AIB, a private for-profit auditing firm that had also positively evaluated Peanut Corporation of America prior to the outbreak of *Salmonella* in peanut butter in 2009.

At the hearing, the Subcommittee heard testimony from the Owner of Wright County Egg and the Chief Operating Officer of the company. The President of Hillandale Farms of Iowa, Orland Bethel, invoked his Fifth Amendment right not to testify at the hearing.

INVESTIGATIVE ACTIVITIES

KELLOGG CEREAL RECALL

On July 25, 2010, Kellogg Company recalled 24 million boxes of cereal products due to reports of an uncharacteristic smell and taste. The Subcommittee sent a letter on August 2, 2010, to Kellogg Company requesting information regarding its procedures and policies for handling the recall. Through briefings from Kellogg and officials from the Food and Drug Administration and the Environmental Protection Agency, the Subcommittee was assured that the cause of the smell and taste had been identified and that the recall resulted in the removal of affected products from grocery shelves. The Subcommittee will continue to monitor food recalls to assess the need for further legislative and oversight activity.

HEARINGS AND INVESTIGATIVE ACTIVITIES PERTAINING TO ENERGY AND THE ENVIRONMENT

HEARINGS

THE BP DEEPWATER HORIZON OIL SPILL

On April 20, 2010, the Deepwater Horizon oil rig exploded in the Gulf of Mexico, killing 11 people and injuring 15. Over the course of the next 87 days, the spill dumped 4.9 million barrels of oil, or 205.8 million gallons, into the Gulf of Mexico. The explosion forever changed the lives of those onboard the rig who survived and the surviving relatives of those who died. The oil spill also had far reaching implications for coastal waters and lands as well as the Gulf region's recently reviving economy.

The Subcommittee's investigation revealed numerous key safety decisions that increased the risk of a blowout and identified important concerns about equipment failure and human error on the rig. The investigation supported legislative activity initiated in the Subcommittee on Energy and Environment that resulted in passage by the full Committee of the "Blowout Prevention Act of 2010."

INQUIRY INTO THE DEEPWATER HORIZON GULF COAST OIL SPILL

Soon after the April 20, 2010, explosion at the Deepwater Horizon oil drilling rig at the Macondo well site in the Gulf of Mexico, the Committee sent a series of letters requesting briefings and documents from companies involved in work at the site. The rig, which belonged to Transocean Limited, was leased by BP. Halliburton performed cement work on the Macondo well in the days leading up to the explosion, and Cameron International manufactured the blowout preventer (BOP), a machine intended to seal off an out-of-control well before it results in an explosion. In earlier Congresses, the Committee examined a 2005 explosion at BP's Texas City refinery that took 15 lives and a massive leak in 2006 at a BP pipeline in Prudhoe Bay, Alaska. The inquiry into the blowout at a BP deepwater exploratory well built on the Committee's prior work.

On May 12, 2010, the Subcommittee held a hearing titled "Inquiry into the Deepwater Horizon Gulf Coast Oil Spill," the first in a series of hearings into the causes of the disaster at the Macondo well site. The Subcommittee heard testimony from Transocean, BP, Halliburton, and Cameron, examining what could have caused the accident and why the BOP did not stop the well's flow.

In preparation for the hearing, the Subcommittee was briefed on multiple occasions by each of the companies that testified at the hearing, by a number of additional companies performing services at the Macondo Well, and by a range of academic and independent experts in deepwater and offshore drilling. The Subcommittee requested and reviewed tens of thousands of pages of documents prior to the hearing and identified several key documents that suggested potential causes of the blowout at the well.

LOCAL IMPACT OF THE DEEPWATER HORIZON OIL SPILL

The Subcommittee's second hearing concerning the BP Deepwater Horizon oil spill focused on the personal impact of the explosion and subsequent spill on families of those on the rig, the financial impact on local businessmen and fishermen, and the environmental impact on the Gulf region's waters, marshes, and coastal lands. During the week of June 7, 2010, Subcommittee members toured marshes that had been penetrated by oil, met with a local organization working to restore wildlife in the marshes, and visited the site of the explosion.

On June 8, 2010, the Subcommittee held a field hearing in Chalmette, Louisiana, titled "Local Impact of the Deepwater Horizon Oil Spill." At the hearing, two widows of men who died on the rig talked about the need for reform of laws relating to compensation of victims' families and asked that members of Congress work to hold the industry accountable. Local small business owners testified about the difficulties they encountered providing for their families as a result of the spill and expressed concerns about the BP claims process for those who lost income due to the oil spill. Scientists informed the Subcommittee of the potential long-term health effects of the oil spill on Gulf area residents and local wildlife.

THE ROLE OF BP IN THE DEEPWATER HORIZON EXPLOSION AND OIL
SPILL

The third in the series of hearings on the explosion at the Deepwater Horizon oil drilling rig and oil spill focused on the role of BP, which leased the rig from Transocean. Under federal law, BP is considered the “responsible party” and is required to fund the response and cleanup. In addition, as the oil producer that leased the well, BP was responsible for the design of the well and the retention of contractors to implement its drilling plans.

In preparation for the hearing, the Subcommittee reviewed tens of thousands of additional pages of documents provided by the companies working at the Macondo well, regulatory materials relating to the planning and permitting of the design and plans for the well, and received briefings from a number of the companies involved at the well site. The Subcommittee also conducted a transcribed interview of a Halliburton employee in order to develop the record of decision-making related to several well design issues.

The Subcommittee’s investigation identified several key questions about choices that BP officials made in its well design and measures that could have been taken to mitigate identified risks. The Subcommittee transmitted a letter to Tony Hayward, Chief Executive of BP, three days before the hearing that posed several specific questions about choices BP made that potentially saved time or money, but increased risk. Mr. Hayward appeared before the Subcommittee on June 17, 2010, at a hearing titled “The Role of BP in the Deepwater Horizon Explosion and Oil Spill” to testify about BP’s decision-making leading up to the explosion.

THE ROLE OF THE INTERIOR DEPARTMENT IN THE DEEPWATER
HORIZON DISASTER

The Subcommittee continued its investigation of the explosion of the Deepwater Horizon drilling rig by examining the role of the Department of the Interior (DOI) in regulating deepwater drilling in the decade preceding the disaster. The Subcommittee focused on regulatory developments that facilitated increased drilling in the Outer Continental Shelf, as well as the DOI’s actions in responding to the spill at the Macondo well site.

In a joint hearing of the Subcommittee on Oversight and Investigations and the Subcommittee on Energy and Environment on July 20, 2010, titled “The Role of the Interior Department in the Deepwater Horizon Disaster,” the Subcommittees examined the DOI’s actions before and after the explosion and oil spill, taking testimony from two former Secretaries of the Interior, Gale Norton and Dirk Kempthorne, and Ken Salazar, the current Secretary of the Interior.

OTHER INVESTIGATIVE ACTIVITIES

SAN BRUNO PIPELINE EXPLOSION

A natural gas pipeline owned by Pacific Gas & Electric exploded in a residential neighborhood in San Bruno, California, on September 9, 2010. Eight people were killed and there was significant property damage. The Subcommittee was briefed by Pacific Gas &

Electric within a few days of the explosion about the measures it was taking to respond to the incident and its preliminary explanation for the explosion. On September 14, 2010, Committee Chairman Waxman and Subcommittee Chairman Stupak requested briefings from regulators and investigators with responsibility in the incident. The Subcommittee requested briefings from the Department of Transportation's Pipeline and Hazardous Materials Safety Administration, and the National Transportation Safety Board (NTSB).

Subcommittee staff received several briefings from the aforementioned agencies and from Pacific Gas & Electric, the owner of the pipeline. The Subcommittee also has been briefed by state regulators. The Subcommittee continues to monitor the results of the NTSB investigation.

BP'S CORPORATE ADVERTISING AND MARKETING

Committee Chairman Waxman and Subcommittee Chairman Stupak sent a letter on August 16, 2010 to BP America, Inc., to follow up on a verbal request by Committee member Rep. Kathy Castor of Florida for information on BP's spending on corporate advertising and marketing relating to the Deepwater Horizon oil spill and relief, recovery, and restoration efforts in the Gulf of Mexico. Rep. Castor raised the issue because of concerns about Gulf businesses and families struggling to deal with the costs of the disaster. The Subcommittee reviewed records and data provided by BP about their corporate advertising before and after the April 20, 2010, explosion at the Deepwater Horizon and transmitted a letter to Rep. Castor regarding BP's spending. The letter was made available to all Committee members on September 1, 2010, on the Committee on Energy and Commerce website.

ALASKA PIPELINE SAFETY

The Trans-Alaska Pipeline System (TAPS) is vital to energy security for the United States. Serious safety and production incidents prompted Committee Chairman Waxman and Subcommittee Chairman Stupak to request updated information regarding the safe operation of the Trans-Alaska Pipeline System from BP Exploration (Alaska) Inc. and from Alyeska Pipeline Service Company. The Subcommittee continues to monitor TAPS to ensure that safety and security remain at the highest standards.

MARINER ENERGY OIL RIG EXPLOSION

On September 2, 2010, an explosion on an oil rig in the Gulf of Mexico owned by Mariner Energy, Inc. prompted Committee Chairman Waxman and Subcommittee Chairman Stupak to request a briefing on the incident and its possible causes. The Subcommittee received a briefing from the company and continues to monitor safety on off-shore oil rigs.

HEARINGS AND INVESTIGATIVE ACTIVITIES PERTAINING TO
COMMERCE, TRADE, AND CONSUMER PROTECTION

HEARINGS

AUTO DEALERSHIP CLOSURES

In connection with the 2008 financial crisis and the lending of funds to automobile manufacturers under the Troubled Asset Relief Program (TARP), created under P.L. 110-343, the Subcommittee examined plans of Chrysler and General Motors (GM) to terminate nearly 2,000 automobile dealerships. In 2008, General Motors and Chrysler lost \$30.9 billion and \$17 billion respectively; both companies filed for bankruptcy. GM and Chrysler both received TARP funding and U.S. government assistance to stabilize the companies during their bankruptcy reorganizations. In the bankruptcy process, GM announced plans to close roughly 1,200 dealerships and Chrysler announced plans to close 789 dealerships nationwide.

On June 12, 2009, the Subcommittee held a hearing titled, “GM and Chrysler Dealership Closures and Restructuring.” Members heard testimony from the President of Chrysler, the Chief Executive Officer of GM, and numerous car dealers from across the country.

REGULATION OF BOTTLED WATER

On July 2, 2009, the Subcommittee held a hearing titled “Regulation of Bottled Water” to investigate the current federal regulations that govern the safety of bottled drinking water and tap water. Tap water providers are required to notify the public of contamination, use certified laboratories for testing, retain testing records for at least five years, provide consumer confidence reports, and are subject to federal oversight of state implementation of safety regulations. Bottled water manufacturers are not required to abide by any of these regulations.

The Subcommittee received two reports that raised questions about why the regulations governing bottled water are weaker than those governing tap water, as well as questions about the widespread public perception that bottled water is healthier than water from the tap. A Government Accountability Office report reviewed federal safety and consumer protection provisions governing tap water and bottled water. A second report was prepared by the Environmental Working Group, which surveyed labels and websites of bottled water manufacturers.

Both reports raised concerns that bottled water is not subject to the same level of regulation as tap water. They also raised concerns that consumers may not have accurate or complete information about the content and quality of water they purchase in plastic containers.

CRIB SAFETY: ASSESSING THE NEED FOR BETTER OVERSIGHT

Following recalls by the Consumer Product Safety Commission (CPSC) of more than two million drop-side cribs prompted by a series of infant deaths, the Subcommittee on Oversight and Investigations examined the need for stronger federal safety standards for cribs. The Consumer Product Safety Improvement Act requires

the CPSC to develop safety standards for nursery products, and CPSC Chairman Inez Tenenbaum stated that the Commission would promulgate new crib safety regulations in the months following the recalls.

On January 21, 2010, the Subcommittee held a hearing titled “Crib Safety: Assessing the Need for Better Oversight,” at which CPSC Chairman Tenenbaum testified, along with a consumer advocate, a crib certifying association, and the mother of an infant victim.

RESPONSE BY TOYOTA AND NHTSA TO INCIDENTS OF SUDDEN UNINTENDED ACCELERATION

On August 28, 2009, a fatal crash of a Lexus vehicle in San Diego, California, brought public attention to the problem of sudden unintended acceleration. A passenger in the Lexus called 911 to report that the vehicle would not stop. The driver, an experienced California Highway Police Officer, was unable to control the vehicle and it eventually crashed. All four passengers in the car were killed.

Since the August 2009 crash, Toyota has issued several recalls relating to acceleration and accelerator pedals. Millions of vehicles were covered by these recalls. While the recalls focused on mechanical causes of unintended acceleration—in particular, floor mat entrapment and “sticky” pedals caused by condensation—many consumers and auto safety experts suspected a cause related to vehicle electronics. In public statements, Toyota strongly denied a link between sudden unintended acceleration and electronic systems in its cars and trucks. After Toyota announced its recalls, the National Highway Transportation Safety Administration (NHTSA) launched a broad review of electronic throttle systems that will involve intense scrutiny of suppliers and manufacturers by NHTSA engineers and independent experts.

At a February 23, 2010, Subcommittee hearing titled “Response by Toyota and NHTSA to Incidents of Sudden Unintended Acceleration,” a Toyota driver testified about her experience with sudden unintended acceleration and two auto safety experts testified about potential links between sudden unintended acceleration and vehicle electronics. President of Toyota Motor Sales Jim Lentz testified about the company’s recalls and conceded to Committee Chairman Waxman that the recalls may not reach the cause of all sudden unintended acceleration events.

Department of Transportation Secretary Ray LaHood testified about NHTSA’s previous examinations of sudden unintended acceleration and committed to broader efforts to understand the problem and to hold automakers accountable for defects in their vehicles. NHTSA is continuing its investigation into the causes of sudden unintended acceleration and regularly updating the Subcommittee on its findings.

UPDATE ON TOYOTA AND NHTSA’S RESPONSE TO THE PROBLEM OF SUDDEN UNINTENDED ACCELERATION

The Subcommittee continued its inquiry into the problem of sudden unintended acceleration, focusing on the role of electronics in instances of sudden unintended acceleration. The Subcommittee ex-

amined the work of Exponent, hired by Toyota to examine the potential causes of unintended acceleration, and National Highway Transportation Safety Administration's announcement that it had commissioned studies of the problem by the National Academy of Sciences and NASA.

On May 20, 2010, the Subcommittee held a hearing titled "Update on Toyota and NHTSA's Response to the Problem of Sudden Unintended Acceleration," on the continued response to unintended acceleration in Toyotas, questioning witnesses David Strickland, NHTSA Administrator, and James Lentz, President and CEO of Toyota Motor Sales.

DIRECT-TO-CONSUMER GENETIC TESTING AND THE CONSEQUENCES TO THE PUBLIC HEALTH

Personal genetic testing kits are marketed to consumers as a tool to predict whether a person may be genetically predisposed to develop diseases such as breast cancer, diabetes, cystic fibrosis, celiac disease, cancer, and other conditions. The tests also can be used to determine a person's ancestry. Some of the companies that offer these genetic testing kits also suggest that the tests can predict how individuals may react to prescription drugs taken to treat conditions such as HIV and heart disease.

Genetic testing kits can cost as little as \$20 and are available over the internet. Typically, a consumer receives the kit in the mail, swabs the inside of the cheek to pick up a DNA sample, and mails the sample to the company that sold the genetic testing kit. The genetic testing company either conducts its own analysis of the DNA sample through an in-house laboratory or sends the DNA sample to an outside laboratory. Several companies offer different levels of genetic analysis that can cost the consumer anywhere from \$229 to \$999.

In 2006, GAO conducted an investigation into nutrigenetic testing (i.e. genetic testing used to tailor diet and exercise products to individual consumers) for the U.S. Senate Special Committee on Aging, and found that these tests mislead consumers by making medically unproven and ambiguous claims. As follow-up, in March 2009, Chairman Waxman and several members of the Subcommittee informed the GAO that they were concerned that "the genetic testing market appears to have expanded rapidly and consumer fraud in this area is on the rise," and asked GAO to investigate these issues in the industry and report to the Subcommittee on its findings. GAO's Forensic Audit and Special Investigations Unit conducted an investigation into various genetic testing companies. GAO found that companies used deceptive marketing and produced inconsistent results.

Separately, the Subcommittee conducted an independent investigation, reviewing more than 450,000 documents and interviewing a wide range of scientists, genetic counselors, and other experts in the genetic testing field. The Subcommittee identified concerns about questionable marketing claims, quality control, privacy protection, and the accuracy of information provided to consumers.

At a July 22, 2010, hearing titled "Direct-To-Consumer Genetic Testing and the Consequences to the Public Health," testimony was given by FDA, GAO, an outside expert and representatives of ge-

netic testing companies about the inconsistencies in testing results and potential negative effects on consumers. FDA began meeting with genetic testing companies following the hearing to discuss possible approaches to regulating direct to consumer genetic testing kits. The Subcommittee continues to monitor FDA's process to ensure that consumers are adequately protected.

INVESTIGATIVE ACTIVITIES

CADMIUM IN CHILDREN'S JEWELRY AND MCDONALD'S CORPORATION'S "SHREK" THEMED GLASSES

An investigation in January 2010 by the *Associated Press* revealed the presence of cadmium in various children's jewelry items sold by retailers throughout the United States. Cadmium is a known cancer-causing agent that can hinder brain development in children.

The Subcommittee requested information from retailers identified in the *Associated Press* report regarding their activities to identify, address and prevent hazardous materials from being used in children's jewelry and other products intended for children. The Subcommittee received briefings and reviewed information from each of the retailers.

In June 2010, following a voluntary recall by McDonald's Corporation of approximately 12 million drinking glasses bearing designs of the animated character "Shrek," Committee Chairman Waxman and Subcommittee Chairman Stupak requested information from McDonalds and Arc International, the manufacturer of the glasses. McDonald's Corporation and Arc International each provided briefings and relevant documents.

In October 2010, the Consumer Product Safety Commission issued a staff report on cadmium in children's metal jewelry, recommending tests for evaluating children's exposure to cadmium-containing products.

The Subcommittee continues to monitor hazardous chemicals in children's products and the efforts by CPSC to ensure that manufacturers and importers are keeping products that contain dangerous chemicals out of the stream of commerce.

IRON 44 HELICOPTER CRASH

On November 24, 2009, Committee Chairman Waxman, Committee Ranking Member Barton, Subcommittee Chairman Stupak, and Subcommittee Ranking Member Walden sent a letter to the National Transportation Safety Board (NTSB) expressing concern about the ongoing NTSB investigation of a helicopter crash (known as the "Iron 44" crash) that occurred on August 5, 2008. The Subcommittee received a briefing from NTSB on their investigation and possible causes of the accident.

BPA DANGERS

On June 2, 2009, Committee Chairman Waxman and Subcommittee Chairman Stupak sent a letter to the Food and Drug Administration relating to the possible dangers of Bisphenol A (BPA), a chemical found in consumer products and food product containers, expressing particular concern about the danger of using

BPA in infant formula containers and other items used by infants and children. Committee Chairman Waxman and Subcommittee Chairman Stupak asked FDA Commissioner Margaret Hamburg to reconsider the FDA's conclusion under the Bush Administration that BPA is safe at current estimated exposure levels. FDA is now pursuing multiple studies to determine BPA's effects on humans. The Subcommittee continues to monitor the outcomes of the ongoing studies.

FLAME RETARDANT CHEMICALS

Flame retardant chemicals, such as polybrominated diphenyl ethers (PBDE), are used in various consumer products including pillows, mattresses, children's products, furniture foam, and television sets. California's flammability standard specifically requires the use of flame retardants in various products, which leads some manufacturers to incorporate flame retardants in products sold nationally. These chemicals contain toxins that can act as endocrine disruptors and may cause cancer and neurological defects.

Recent studies link PBDEs to a rising number of children suffering from low birth weight, negative outcomes on neurological development tests, increasing occurrences of infertility, and firefighters with significantly elevated rates of four cancers. Various public health groups, environmental organizations, and firefighter associations have advocated for a change in California's flammability standard, as well as a widespread ban of these chemicals.

The Subcommittee has investigated the issue extensively. Subcommittee staff received briefings from numerous scientists who have studied the issue, firefighters, furniture and other product manufacturers, as well as key federal and state agencies. The Subcommittee has also had several briefings with the principal manufacturers of flame retardant chemicals that are sold in the United States. In addition, the Committee requested documents from four flame retardant chemical manufacturers and has reviewed tens of thousands of pages of documents concerning the testing and marketing of such products. The Subcommittee is continuing its investigation into the environmental and health impacts relating to the use of flame retardant chemicals.

JAPANESE CASH FOR CLUNKERS PROGRAM

Japan is the third largest automobile market in the world. In late 2009, the Japanese Government announced an economic stimulus package totaling 7.2 trillion yen (\$81 billion U.S. dollars) that included an extension on an incentive program to purchase fuel efficient cars. This program was similar to the U.S. government's Car Allowance Rebate System (CARS), popularly known as "Cash for Clunkers."

U.S. automobile manufacturers have exported cars to Japan since the 1990s through a "preferential handling protocol." Because U.S. automakers sell fewer than 10,000 vehicles in Japan each year combined, the Japanese government affords them the option of having their vehicles tested under official government standards for fuel efficiency or selling them without official ratings. American cars that are sold under the preferential handling protocol had not

been officially rated for fuel economy in Japan and were thus ineligible for purchase under the recent Japanese incentive program.

The Subcommittee scheduled a hearing on the exclusion of U.S. automobiles from Japan's Cash for Clunkers program in January 2010. In advance of the hearing, the Japanese Government changed its policy and agreed to allow American automotive manufacturers to participate in the program. The Subcommittee postponed its hearing to await further data on the cars purchased in the American and Japanese Cash for Clunkers programs.

HEARINGS AND OTHER INVESTIGATIVE ACTIVITIES PERTAINING TO COMMUNICATIONS AND TECHNOLOGY

TRAFFIC PUMPING SCHEMES

Committee Chairman Waxman, Subcommittee Chairman Stupak, and Subcommittee on Communication, Technology, and Internet Chairman Boucher sent request letters to AT&T, Qwest, Sprint, and Verizon, and 24 incumbent local exchange providers seeking information regarding access charges and so-called "traffic pumping schemes." News reports have described situations in which voice service providers have refused to connect calls to certain rural areas due to the allegedly excessive terminating access charges required by some rural incumbent local exchange providers. The Subcommittees sought information on the nature and scope of these schemes as well as the steps companies take to resolve disputed charges. The Subcommittee reviewed documents produced by all of the companies, received briefings from many of the interested parties, and continues to investigate the matter.

OTHER HEARINGS AND INVESTIGATIVE ACTIVITIES

HEARINGS

FEDERAL OVERSIGHT OF HIGH CONTAINMENT BIO-LABORATORIES

The Subcommittee held its second hearing on the proliferation of biological research laboratories since the 2001 anthrax attacks. The purpose of the hearing was to assess the status of government oversight over high-containment laboratories, which work with dangerous pathogens and diseases. After the Subcommittee's first hearing on the matter in 2007, Government Accountability Office continued to examine these labs and found that, aside from the Select Agent Program—a government program regulating certain listed dangerous pathogens—there is no formal registry for bio-labs, and no federal agency has authority to regulate all bio-labs.

On September 22, 2009, the Subcommittee held a hearing titled "Federal Oversight of High Containment Bio-Laboratories" at which GAO released a report containing its conclusions concerning the expansion of bio-labs in the United States, strategies for improving the safety and security of these labs, and the need for consolidated federal oversight of these labs.

SECRECY IN THE RESPONSE TO BAYER'S FATAL CHEMICAL PLANT
EXPLOSION

On August 28, 2008, a tank containing waste materials in a pesticide production unit exploded at a chemical plant in Institute, West Virginia, owned by Bayer CropScience. Bayer's West Virginia facility produces pesticide from a variety of chemicals, including methyl isocyanate (MIC), a highly toxic substance that has been eliminated for decades from every other facility in the United States except for the Institute, West Virginia site.

The Subcommittee held a hearing titled "Secrecy in the Response to Bayer's Fatal Chemical Plant Explosion" on April 21, 2009. The Subcommittee found that Bayer engaged in a campaign of secrecy by withholding critical information from local, county, and state emergency responders; by restricting the use of information provided to federal investigators; by attempting to marginalize news outlets and citizen groups concerned about the dangers posed by Bayer's activities; and by providing inaccurate and misleading information to the public.

The Subcommittee found that Bayer failed to provide emergency responders with critical information about the scope of the explosion, the potential chemical hazards involved, or the action needed to safeguard the surrounding community. The Subcommittee also found that there were serious questions about the vulnerabilities of Bayer's inventory of MIC and about MIC monitoring systems that were out of service at the time of the explosion. The Subcommittee found that Bayer was attempting to undermine an investigation by the Chemical Safety Board, by misusing a statute designed to protect the security of maritime transportation facilities to block the public release of information related to the accident and to the storage of hazardous chemicals at the site.

In response to the findings of this hearing, Sen. Rockefeller of West Virginia inserted language into the 2010 Homeland Security budget to keep companies from hiding behind anti-terrorism rules to avoid releasing important details of chemical plant emergencies to the public and local emergency responders. Additionally, Sen. BYRD of West Virginia proposed a measure to require the Department of Homeland Security to report to Congress on the steps it is taking to coordinate chemical plant security efforts by various federal agencies.

In August 2009, Bayer CropScience announced that the company would voluntarily reduce MIC storage at the facility by 80%. This reduction eliminated the transfer, use, and storage of MIC at the site within approximately one year. As a result, there is no MIC storage above ground anywhere on the site.

COMMERCIAL SALES OF MILITARY TECHNOLOGIES

In 2008, the Subcommittee requested that the Government Accountability Office conduct undercover testing to determine how vulnerable the United States is to covert acquisition and export of sensitive technology with potential military application. GAO established a fictitious company, led by a fictitious individual, to acquire 12 different military or dual use items that were subject to export control laws. GAO was able to acquire several devices that

can be used in nuclear weapons programming. It also successfully acquired several pieces of military equipment that U.S. forces use to maintain technological superiority in battle.

On June 4, 2009, the Subcommittee held a hearing entitled, “Commercial Sales of Military Technology,” in which GAO testified that insufficient regulation leaves sensitive technologies vulnerable to unlawful export through the commercial market. The hearing showed that companies that sell sensitive equipment are not required by current law to apply for an export license when selling military or dual use products directly to domestic purchasers. There is no requirement for them to conduct any background checks or due diligence on the transactions, much less submit the proposed sale to the government for licensing. This hearing and report highlighted the importance of monitoring the commercial sales of military technology.

OTHER INVESTIGATIVE ACTIVITIES

RADIATION DETECTION PORTAL MONITORS TESTING PROGRAM

On June 22, 2009, Committee Chairman Waxman and Subcommittee Chairman Stupak wrote to Department of Homeland Security (DHS) Secretary Janet Napolitano regarding a GAO report titled “Combating Nuclear Smuggling: DHS Improved Testing of Advanced Radiation Detection Portal Monitors, but Preliminary Results Show Limits of New Technology.” The Chairmen urged DHS to adopt the recommendations of the report and reexamine the advanced radiation detection portal monitors testing program.

GAO REPORT FINDS FLAWS IN PRESIDENT BUSH’S NUCLEAR AGREEMENT WITH RUSSIA

On July 29, 2009, Committee Chairman Waxman, Subcommittee Chairman Stupak, and Subcommittee on Energy and Environment Chairman Markey released a Government Accountability Office report titled “U.S.—Russia Nuclear Agreement: Interagency Process Used to Develop the Classified Nuclear Proliferation Assessment Needs to Be Strengthened.” The report outlines significant problems within the executive branch process for evaluating Russia’s nuclear proliferation activities as part of the U.S.-Russia negotiation of a civilian nuclear cooperation agreement.

HEARINGS HELD

The Salmonella Outbreak: The Continued Failure to Protect the Food Supply.—Oversight hearing on the salmonella outbreak associated with peanut products manufactured by the Peanut Corporation of America. Hearing held on February 11, 2009. PRINTED, Serial No. 111–2.

The Salmonella Outbreak: The Role of Industry in Protecting the Nation’s Food Supply.—Oversight hearing examining the actions and obligations of manufacturers and retailers that purchased tainted peanut products from the Peanut Corporation of America. Hearing held on March 19, 2009. PRINTED, Serial No. 111–18.

Institutional Review Boards That Oversee Experimental Human Testing for Profit.—Oversight hearing on whether institutional re-

view boards and the federal government are adequately protecting human subjects of biomedical research. Hearing held on March 26, 2009. PRINTED, Serial No. 111–22.

Secrecy in the Response to Bayer's Fatal Chemical Plant Explosion.—Oversight hearing on Bayer CropScience campaign of secrecy to withhold information and provide misleading information to emergency responders, government officials, and the public. Hearing held on April 21, 2009. PRINTED, Serial No. 111–28.

Commercial Sales of Military Technologies.—Oversight hearing on the commercial sale of sensitive technology with military applications and to provide the results of a Government Accountability Office undercover investigation on this issue. Hearing held on June 4, 2009. PRINTED, Serial No. 111–43.

GM and Chrysler Dealership Closures and Restructuring.—Oversight hearing on auto dealership closures announced by Chrysler and General Motors stemming from the 2008 financial crisis and during a time when the companies were received funds under the Troubled Asset Relief Program. Hearing held on June 12, 2009. PRINTED, Serial No. 111–49.

Terminations of Individual Health Policies by Insurance Companies.—Oversight hearing on the practice of “rescissions,” which occurs when insurance companies cancel individual health insurance policies after their providers submit claims for medical services rendered. Hearing held on June 16, 2009. PRINTED, Serial No. 111–50.

Regulation of Bottled Water.—Oversight hearing on federal regulation of bottled water. Hearing held on July 8, 2009. PRINTED, Serial No. 111–56.

Terminations of Individual Health Policies by Insurance Companies: State Perspectives and Legislative Solutions.—Oversight hearing on the practice of “rescissions,” which occurs when insurance companies cancel individual health insurance policies after their providers submit claims for medical services rendered. Field hearing held in New Albany, Indiana, on July 27, 2009. PRINTED, Serial No. 111–58.

Federal Oversight of High Containment Bio-Laboratories.—Oversight hearing on the proliferation of biological research laboratories. Hearing held on September 22, 2009. PRINTED, Serial No. 111–66.

Insured but Not Covered: The Problem of Underinsurance.—Oversight hearing on the problem of underinsurance and medical debt. Hearing held on October 15, 2009. PRINTED, Serial No. 111–72.

The High Cost of Small Business Health Insurance: Limited Options, Limited Coverage.—Oversight hearing examining business practices in the small business health insurance market. Hearing held on October 20, 2009. PRINTED, Serial No. 111–75.

H1N1 Preparedness: An Overview of Vaccine Production and Distribution.—Oversight hearing on production and distribution of the H1N1 vaccine. Hearing held on November 18, 2009. PRINTED, Serial No. 111–82.

Crib Safety: Assessing the Need for Better Oversight.—Oversight hearing on whether there is a need for stronger mandatory federal safety standards for infant cribs. Hearing held on January 21, 2010. PRINTED, Serial No. 111–92.

Response by Toyota and NHTSA to Incidents of Sudden Unintended Acceleration.—Oversight hearing on the response to persistent consumer complaints of sudden, unintended acceleration in vehicles manufactured by the Toyota Motor Corporation. Hearing held on February 23, 2010. PRINTED, Serial No. 111–96.

Premium Increases by Anthem Blue Cross in the Individual Health Insurance Market.—Oversight hearing on the proposed increases in premium rates by Anthem Blue Cross, a subsidiary of WellPoint, Inc., by as much as 39% in the individual health insurance market in California. Hearing held on February 24, 2010. PRINTED, Serial No. 111–97.

The Role and Performance of FDA in Ensuring Food Safety.—Oversight hearing on the safety of food imported into the United States and the adequacy of FDA's efforts to protect Americans from unsafe, imported food. Hearing held on May 6, 2010. PRINTED, Serial No. 111–118.

Inquiry into the Deepwater Horizon Gulf Coast Oil Spill.—Oversight hearing examining the causes of the explosion on the Deepwater Horizon drilling rig and subsequent oil spill. Hearing held on May 12, 2010. PRINTED, Serial No. 111–122.

Update on Toyota and NHTSA's Response to the Problem of Sudden Unintended Acceleration.—Oversight hearing on the continued response of the Toyota Motor Company and National Highway Traffic Safety Administration (NHTSA) to incidents of sudden unintended acceleration in Toyota vehicles. Hearing held on May 20, 2010. PRINTED, Serial No. 111–126.

Local Impact of the Deepwater Horizon Oil Spill.—Oversight hearing on the local impact of the Deepwater Horizon oil spill on the Gulf region. Field hearing held in Chalmette, Louisiana, on June 7, 2010. PRINTED, Serial No. 111–129.

The Role of BP in the Deepwater Horizon Explosion and Oil Spill.—Oversight hearing continuing examination of the causes of the explosion on the Deepwater Horizon drilling rig and subsequent oil spill. Hearing held on June 17, 2010. PRINTED, Serial No. 111–137.

The Role of the Interior Department in the Deepwater Horizon Disaster.—Oversight hearing on the Department of the Interior's actions before and since the Deepwater Horizon drilling rig explosion and oil spill. Hearing held on July 20, 2010. PRINTED, Serial No. 111–145.

Direct-to-Consumer Genetic Testing and the Consequences to the Public Health.—Oversight hearing on sales and reliability of direct-to-consumer personal genetic tests. Hearing held on July 22, 2010. PRINTED, Serial No. 111–148.

The Outbreak of Salmonella in Eggs.—Oversight hearing on the Salmonella outbreak associated with eggs produced by Wright County Egg and Hillandale Farms of Iowa. Hearing held on September 22, 2010. PRINTED, Serial No. 111–157.

GAO REPORTS AND TESTIMONY REQUESTED BY THE SUBCOMMITTEE

GAO REPORTS

Nonprescription Drugs: Considerations Regarding a Behind-the-Counter Drug Class. GAO–09–245, February 20, 2009.

Information Technology: FDA Needs to Establish Key Plans and Processes for Guiding Systems Modernization Efforts. GAO-09-523, June 2, 2010.

Bottled Water: FDA Consumer Protections Are Often Less Stringent Than Comparable EPA Protections for Tap Water. GAO-09-610, June 22, 2009.

U.S.-Russia Nuclear Agreement: Interagency Process Used to Develop the Classified Nuclear Proliferation Assessment Needs to Be Strengthened. GAO-09-743R, June 30, 2009.

Litigation Has Decreased and EPA Needs Better Information on Site Cleanup and Cost Issues to Estimate Program Funding Requirements. GAO-09-656, July 15, 2009.

Biological Research: Observations of DHS's Analyses Concerning Whether FMD Research Can Be Done as Safely on the Mainland as on Plum Island. GAO-09-747, July 30, 2009.

Food Safety: Agencies Need to Address Gaps in Enforcement and Collaboration to Enhance Safety of Imported Food. GAO-09-873, September 15, 2009.

Information Security: Actions Needed to Better Manage, Protect, and Sustain Improvements to Los Alamos National Laboratory Classified Computer Network. GAO-10-28, October 14, 2009.

Human Capital: Continued Opportunities Exist for FDA and OPM to Improve Oversight of Recruitment, Relocation and Retention Incentives. GAO-10-226, January 22, 2010.

Border Security: Better Usage of Electronic Passport Security Features Could Improve Fraud Detection. GAO-10-96, January 22, 2010.

Dietary Supplements: FDA Should Take Further Actions to Improve Oversight and Consumer Understanding. GAO-09-250, January 29, 2010.

Food Irradiation: FDA Could Improve Its Documentation and Communication of Key Decisions of Food Irradiation Petitions. GAO-10-309R, February 16, 2010.

New Drug Approval: FDA's Consideration of Evidence from Certain Clinical Trials. GAO-10-798, July 30, 2010.

Telecommunications: FCC Should Assess the Design of the E-Rate Program's Internal Control Structure. GAO-10-908, September 29, 2010.

Telecommunications: Improved Management Can Enhance FCC Decision Making for the Universal Service Fund Low-Income Program. GAO-11-11, October 28, 2010.

Information Security: National Nuclear Security Administration Needs to Improve Contingency Planning For Its Classified Supercomputing Operations. GAO-11-67, December 9, 2010.

GAO TESTIMONY

Human Subjects Research: Undercover Tests Show the Institutional Review Board System is Vulnerable to Unethical Manipulation. GAO-09-448T, March 26, 2009.

Military and Dual-Use Technology: Covert Testing Shows Continuing Vulnerabilities of Domestic Sales for Illegal Export. GAO-09-725T, June 4, 2009.

Bottled Water: FDA Safety and Consumer Protections are Often Less Stringent than Comparable EPA Protections for Tap Water. GAO-09-861T, July 8, 2009.

High-Containment Laboratories: National Strategy for Oversight is Needed. GAO-09-1036T, September 22, 2009.

Food Safety: FDA Could Strengthen Oversight of Imported Food by Improving Enforcement and Seeking Additional Authorities. GAO-10-699T, May 6, 2010.

Direct-To-Consumer Genetic Tests: Misleading Test Results Are Further Complicated by Deceptive Marketing and Other Questionable Practices. GAO-10-847T, July 22, 2010.

PENDING GAO REQUESTS

The following is a list of pending GAO studies initiated by the Subcommittee on Oversight and Investigations that were not completed by the end of the 111th Congress:

Implementation of the Safe Drinking Water Act. Study requested on January 31, 2008.

A Review of FDA's Resources for Drugs, Biological Products, and Medical Devices. Study requested on February 15, 2008.

A Review of Cost Implications of Work Stoppages from Inadequate Worker Safety Protections and Weaknesses in Nuclear Safety. Study requested April 16, 2008.

A Review of Lawrence Livermore National Laboratory Plans for De-Inventorying Category I and II Special Nuclear Material. Study requested June 25, 2008.

Co-Requestor of a Review of the Department of Energy's Handling of Security at Lawrence Livermore National Laboratory. Study requested July 10, 2008.

Review of the Progress, Strategies, Implementation and Management of National Nuclear Security Administration's Stockpiles & Facilities. Study requested August 8, 2008.

APPENDIX I

COMMITTEE ON ENERGY AND COMMERCE

OVERSIGHT PLAN FOR THE 111TH CONGRESS

Adopted on February xx, 2009

COMMITTEE ON ENERGY AND COMMERCE OVERSIGHT PLAN, U.S. HOUSE OF REPRESENTATIVES, 111TH CON- GRESS, THE HONORABLE HENRY A. WAXMAN, CHAIRMAN

Rule X, clause 2(d) of the Rules of the House requires each standing Committee to adopt an oversight plan for the two-year period of the Congress and to submit the plan to the Committee on Oversight and Government Reform and to the Committee on House Administration not later than February 15 of the first session of the Congress.

This is the oversight plan of the Committee on Energy and Commerce for the 111th Congress. It includes the areas in which the Committee expects to conduct oversight during the 111th Congress, subject to limits on staff and resources, but does not preclude oversight or investigation of additional matters as the need arises.

ENERGY AND ENVIRONMENTAL ISSUES

The Committee intends to conduct oversight in the 111th Congress of numerous energy and environment-related issues to help ensure that government is working and that relevant statutes are effective and up to date.

Climate Change. Global warming and energy issues will be a key area of interest. Due to the magnitude and complexity of the task of reducing greenhouse gas emissions, the Committee expects to examine governmental and nongovernmental activities and policies in this area, and their bases. The Committee will also examine governmental and private sector policies and actions related to developing and maintaining a sustainable and affordable national energy supply, including through the efficient use of energy.

Environmental Pollution and Hazardous Waste. The Committee will examine whether the key environmental and energy laws under its jurisdiction are being implemented and followed appropriately to ensure that public health, the environment, and consumers are adequately protected. This will focus on the key issues of air pollution, drinking water contamination, hazardous waste disposal and cleanup, manufacture, use, and safety of chemical substances and pesticides on food. The Committee will examine the actions of the agencies charged with addressing these issues: the Environmental Protection Agency, the Department of Energy, and the Agency for Toxic Substances and Disease Registry.

Energy Policy. The Committee will examine U.S. policies pertaining to energy efficiency and conservation, production, and consumption of electricity, oil, natural gas, coal, hydroelectric power, nuclear power, and renewable energy. The Committee will inquire into potential opportunities for the government and private sector to enhance environmental, public health, and consumer protections (including pipeline safety), while promoting a sustainable, clean energy future. The Committee will examine the actions of agencies and offices charged with developing and implementing U.S. energy policies, including the Department of Energy, the Federal Energy Regulatory Commission, and the Nuclear Regulatory Commission. The Committee will also examine the activities and policies of the Department of Transportation and the National Highway Traffic Safety Administration as they relate to matters within the Committee's jurisdiction.

Energy Security. The Committee will oversee management and operations issues at the Department of Energy, including management and operations of the National Nuclear Security Administration (NNSA) and the DOE National Laboratories. The Committee will focus on DOE's management of the environment, safety, and health aspects of its policies and activities, and DOE's management of the contractors that operate the National Laboratories. In addition, the Committee will oversee the protection of nuclear materials around the globe by examining ongoing problems at both the National Labs and at nuclear power plants with respect to the security of both nuclear materials and sensitive security information and by examining nuclear detection systems at air, land, and sea-ports.

Bio-Research Laboratories. Building on the two hearings in the 110th Congress, the Committee will exercise continued oversight of issues related to construction and operation of high-containment bio-research laboratories.

HEALTH AND HEALTHCARE ISSUES

Children's Health Insurance Program (CHIP). The Committee will oversee the implementation of the legislation reauthorizing the Children's Health Insurance Program by the Department of Health and Human Services (HHS), state CHIP agencies, and their private contractors. This oversight will focus on the extent to which federal financial incentives and state outreach and enrollment activities are successful in extending coverage to low-income children who are eligible but not enrolled in Medicaid or CHIP. The Committee will also examine whether federal program funds are being used to purchase covered services efficiently in a manner that minimizes waste, fraud, and abuse.

Centers for Medicare & Medicaid Services (CMS). The Committee will review the management, operation, and activities of the Centers for Medicare & Medicaid Services, focusing on the effective provision of services under the Medicare, Medicaid, and Child Health Insurance programs and the elimination of waste, fraud, and abuse in these programs. The Committee will examine the use and oversight of private contractors by CMS in administering these programs.

Drug Safety. The Committee will review the ability of the Food and Drug Administration (FDA) to ensure the safety and effectiveness of prescription and over-the-counter (OTC) drugs sold in the United States, including whether necessary safeguards for imported drugs are in place. The Committee will also examine manufacturer marketing practices for both prescription and OTC drugs.

Emergency Care Services. The Committee will review the ability of the nation's trauma centers and emergency departments to respond to the growing demand for their services. Among the areas of oversight interest are the activities of HHS to ensure that emergency rooms in cities at high risk of a terrorist attack have the capacity to handle a surge in casualties, as well as the availability of on-call specialists on a 24/7 basis.

Food Safety. The Committee will examine the causes of recent food safety problems and the effectiveness of our current regulatory system for overseeing the safety of imported foods. The Committee will review the FDA's statutory authorities for protecting the nation's food supply with a view towards identifying any gaps. The Committee will also examine whether FDA's financial and personnel resources are adequate to protect the public from unsafe food.

Health Information Technology (HIT). The Committee will oversee the implementation of the HIT provisions of the economic recovery legislation by the Department of Health and Human Services. The Committee will focus initially on the Department's establishment of standards for interoperability, functionality, security, and privacy of electronic health records and its certification of systems that meet those standards. The Committee will also monitor the Department's HIT-related grant-making activity.

National Institutes of Health (NIH). The NIH budget spends over \$29 billion per year, largely on medical research intended to improve the health of the nation. The Committee will examine whether there is sufficient transparency and accountability to ensure that these funds are spent effectively and efficiently.

HIV/AIDS. The Committee will oversee domestic and global HIV prevention and treatment activities by HHS and the Centers for Disease Control and Prevention (CDC). Domestically, areas of concern include the scale-up of prevention efforts, the continuing implementation of CDC's routine testing recommendations, and the reach of care and treatment programs. The Committee will also monitor HHS's implementation of U.S.-funded HIV activities abroad. Particular attention will be paid to changes made by the 2008 reauthorization of the President's Emergency Plan for AIDS Relief (PEPFAR), including increased flexibility in prevention programming and an intensified emphasis on integration with other health and social services.

Hospital-Acquired Infections and Antibiotic Resistance. The Committee will oversee the actions taken by HHS, state hospital licensure agencies, and the private sector to reduce the incidence of preventable hospital-acquired infections. Among the areas of interest is checklists for use by physicians, nurses, and other hospital personnel to reduce such infections. The Committee will also review efforts to combat the spread of antibiotic resistant infections. The Committee will examine the practices that contribute to the prob-

lem, including the inappropriate use of antibiotics both by humans and in the food supply.

Preventable Medical Errors. In addition to its work on hospital-acquired infections, the Committee will also examine other preventable medical errors, which studies suggest annually cause tens of thousands of preventable deaths and cost our nation's medical system billions of dollars. The Committee will examine the practices that contribute to such preventable medical errors and review actions taken by providers, patients, insurers, and the federal government to reduce these errors.

Individual Health Insurance. The Committee will examine business practices in the individual health insurance market that may compromise the accessibility or affordability of coverage. The initial focus of this oversight will be the practice of rescission, or retroactive termination of coverage following the submission of claims by the insured individual. The Committee will review the practices of insurers, the activities of state regulatory agencies, and the enforcement of consumer protections in the individual market by the Department of Health and Human Services under the Health Insurance Portability and Accountability Act.

Medicaid. The Committee will oversee the implementation of the provisions of the economic recovery legislation relating to Medicaid. The Committee will review the payment of additional federal matching funds to states to ensure states deploy the funds in an efficient and effective manner. The Committee will examine whether states receiving this fiscal relief maintain adequate Medicaid reimbursement levels for providers and reimburse at an adequate rate to make services available. The Committee will also monitor the response of the Department of Health and Human Services and state Medicaid programs to the needs of uninsured, unemployed workers and their families. In addition, the Committee will examine the purchase of managed care, prescription drugs, and other covered services to determine whether greater efficiencies can be achieved for federal and state taxpayers. The Committee will review the costs and benefits of using private contractors in the administration of the Medicaid program at the federal and state level. The Committee will also review efforts to reduce waste, fraud, and abuse in the program.

Medical Device Safety. The Committee will review FDA's efforts to ensure the safety and effectiveness of medical devices. The Committee will examine the gaps in the current statutory authorities, both pre- and post-market, that FDA uses to protect patients from unsafe or ineffective devices.

Medicare. The Committee will oversee the administration and operation of the Medicare program by CMS and its contractors. Among the areas of interest is the adequacy of Medicare payment rates for primary care physicians under Part B; the appropriateness of payments to Medicare Advantage plans; the treatment of beneficiaries with chronic illness by Medicare Advantage plans, particularly private fee-for-service plans; and the business practices of Medicare Advantage plans and CMS oversight of those practices. With respect to Medicare Part D, the Committee will review the effectiveness of private plans' administration of the program; the treatment of long-term care patients; the annual reassignment of

individuals who are dually-eligible for Medicare and Medicaid; the treatment of long-term care patients under Part D; the availability of manufacturer rebates on drugs purchased by Medicare Part D plans; and the oversight of Part D plans by CMS. The Committee will also review efforts to reduce waste, fraud, and abuse in the program.

Navajo Nation Uranium Contamination. The Committee will monitor the clean-up of the surface and subsurface contamination of the Navajo Nation resulting from uranium mining and milling activities after World War II. Five federal agencies have developed and are implementing five-year plans to clean up the contamination and protect public health: the Bureau of Indian Affairs, the Department of Energy, the Environmental Protection Agency, the Indian Health Service, and the Nuclear Regulatory Commission.

Nursing Homes. The Committee will examine the quality of the nursing home care paid for by the Medicare and Medicaid programs. The Committee will review the monitoring and enforcement of quality standards by CMS and state survey agencies.

Off-Label Marketing. The Committee will conduct oversight of manufacturer marketing of prescription drugs and medical devices for uses not approved by FDA. While off-label use of drugs or devices is legal, the marketing of drugs or devices for off-label uses is not. Off-label marketing can result in unnecessary expenditures and raises potential safety and effectiveness issues for patients. The Committee will review the activities of the FDA, CMS, the Office of Inspector General, and the Justice Department to investigate and prosecute those manufacturers engaged in off-label marketing.

Privacy. The Committee will review adherence to and enforcement of the security and privacy rules under the Health Insurance Portability and Accountability Act (HIPAA). The Committee will also oversee the implementation of the privacy provisions in the economic recovery legislation by HHS. The Committee will focus on the use of a patient's health information by providers, health insurers, and others that receive such identifiable information.

Safety Net Hospitals and Clinics. The Committee will monitor the ability of public and private nonprofit hospitals and clinics of last resort—those that treat all patients, regardless of ability to pay—to maintain their service capacity during the recession. Of particular concern to the Committee is whether the specialized services that these facilities provide that are of community-wide benefit, such as trauma care, neonatal intensive care, and care for burn victims, will be maintained in the face of increasing numbers of unemployed, uninsured patients.

Vaccine Policy. The Committee will oversee the various components of vaccine policy within HHS, including: the development of the National Vaccine Plan; plans to procure and stockpile vaccines for use in case of an influenza pandemic, bioterror attack, or shortage of routinely administered vaccines; efforts to increase the use of vaccines among adults including healthcare workers; and access issues associated with the Vaccines for Children program. The Committee will also review the status of the Vaccine Injury Compensation Program.

COMMERCE, TRADE, AND CONSUMER PROTECTION ISSUES

Federal Trade Commission. The Committee will review the management, operations, rulemaking, and enforcement actions of the Federal Trade Commission. The Committee will examine the Commission's consumer protection mission with specific focus on consumer credit, including subprime mortgage lending, mortgage servicing, and debt and foreclosure relief scams. In addition, the Committee will review consumer protection activities related to identity theft, privacy, and false and deceptive advertising. The Committee will also review the Commission's activities regarding competition and mergers.

Consumer Product Safety Commission. The Committee will oversee implementation of the Consumer Product Safety Improvement Act, which was enacted in August 2008. In particular, the Committee will seek to ensure that the law's bans on lead and phthalates in children's products are given full effect and carried out in an effective and efficient manner. The Committee also will oversee the Commission's handling of critical deadlines under the law and the issuance of implementing regulations. Finally, the Committee will continue to review the Commission's overall operations, including its authorized expansion to include five commissioners and the modernization of its staff and infrastructure.

Highway Safety. The Committee will review the management, operations, and activities of the National Highway Traffic Safety Administration, particularly as they relate to motor vehicle safety.

International Trade. The Committee will monitor and examine both multilateral trade agreements (including World Trade Organization agreements) and bilateral agreements as those agreements relate to industries, commodities, and services within the Committee's jurisdiction, including telecommunications, electronic commerce, consumer products, energy, food, and drugs. The Committee will examine whether these agreements adequately protect the interests of domestic and foreign workers, consumers, and the environment. The Committee will review programs, policies, and procedures of various government agencies that are tasked with protecting the international supply chain as it affects the U.S. economy and U.S. consumers; evaluate policies that may impair the flow of people and commerce across the nation's borders; and examine opportunities to promote greater transparency in U.S. trade negotiations.

COMMUNICATIONS, TECHNOLOGY AND INTERNET ISSUES

Federal Communications Commission. The Committee will review the management, operations, and activities of the Federal Communications Commission (FCC), including the effect of its decisions on increasing competition, increasing the availability of technologies and services, assuring widespread deployment and reasonable rates for telecommunication and broadband services, protecting consumers, assuring adequate emergency communications capability, and otherwise serving the public interest, convenience and necessity. The FCC's ongoing efforts to manage the transition from analog to digital broadcasting will be a continuing focus of the Committee. The Committee will also examine the management and

funding of the FCC's Office of Inspector General (IG), particularly with respect to whether the IG has adequate resources and the institutional independence necessary to carry out its responsibilities.

Public Safety Communications. The Committee will review public safety communications, including the status of the public safety network and related issues and matters under the management of the Office of Emergency Communications.

Universal Service Reform. The Committee will investigate waste, fraud, and abuse in the FCC's Universal Service Fund, including the management and administration of the High Cost program, the E-Rate program that pays to connect schools and libraries to the Internet, and the Rural Health Care program.

Internet Governance and Operations. The Committee will review programs and efforts to assure the safe, secure, lawful, and robust functioning of the Internet. The Committee will also examine issues regarding the structure of Internet governance, including activities of the Internet Corporation for Assigned Names and Numbers (ICANN).

National Telecommunications and Information Administration. The Committee will review programs under the management of the National Telecommunications and Information Administration (NTIA). The Committee anticipates ongoing oversight of any NTIA involvement in national broadband deployment grants.

Corporation for Public Broadcasting. The Committee will continue to review activities and funding of the Corporation for Public Broadcasting, the Public Broadcasting System, National Public Radio, and Public Radio International, with a particular focus on maintaining the independence of these important functions and assuring that the public interest remains paramount in their administration and management.

APPENDIX II

LEGISLATIVE ACTIVITIES

COMMITTEE ON ENERGY AND COMMERCE 111TH CONGRESS (2009–2010)

Statistical Summary of Committee Activities

Total Bills and Resolutions Referred to Committee	1483
Public Laws	38
Bills and Resolutions Reported to the House	70
Hearings Held:	
Days of Hearings	143
Full Committee	7
Subcommittee on Commerce, Trade, and Consumer Protection ...	38
Subcommittee on Communications, Technology, and the Internet	30
Subcommittee on Energy and Environment	24
Subcommittee on Health	43
Subcommittee on Oversight and Investigations	24
Hours of Sitting	490:47
Full Committee	20:53
Subcommittee on Commerce, Trade, and Consumer Protection ...	81:11
Subcommittee on Communications, Technology, and the Internet	65:33
Subcommittee on Energy and Environment	92:57
Subcommittee on Health	141:05
Subcommittee on Oversight and Investigations	89:08
Legislative Markups:	
Days of Markups	48
Full Committee	29
Subcommittee on Commerce, Trade, and Consumer Protection ...	6
Subcommittee on Communications, Technology, and the Internet	4
Subcommittee on Energy and Environment	4
Subcommittee on Health	5
Hours of Sitting	147:37
Full Committee	119:47
Subcommittee on Commerce, Trade, and Consumer Protection ...	07:58
Subcommittee on Communications, Technology, and the Internet	02:51
Subcommittee on Energy and Environment	09:38
Subcommittee on Health	9:08
Business Meetings:	
Days of Meetings	3
Subcommittee on Full Committee	3
Subcommittee on Oversight and Investigations	0
Hours of Sitting	01:05
Subcommittee on Full Committee	01:05
Subcommittee on Oversight and Investigations	0

APPENDIX III

COMMITTEE ON ENERGY AND COMMERCE

PUBLIC LAWS

This list includes: (1) legislation on which the Committee on Energy and Commerce acted directly; (2) legislation developed through Committee participation in House-Senate conferences; and (3) legislation which included provisions within the Committee's jurisdiction, including legislation enacted by reference as part of other legislation.

PUBLIC LAWS: 38

Public Law	Date Approved	Bill	Title
111-3	2/4/2009	H.R. 2	Children's Health Insurance Program Reauthorization Act of 2009
111-4	2/9/2009	S. 352	The Digital Television Transition Extension
111-5	2/17/2009	H.R. 1	The American Recovery and Reinvestment Act
111-16	5/7/2010	H.R. 1626	Statutory Time Periods Technical Amendments Act of 2009
111-31	6/22/2009	H.R. 1256	Family Smoking Prevention and Tobacco Control Act
111-47	8/6/2009	H.R. 3435	Consumer Assistance to Recycle and Save Act
111-72	10/13/2009	H.R. 3663	To Amend Title XVIII of the Social Security Act to Delay the Date on Which the Accreditation Requirement Under the Medicare Program Applies to Suppliers of Durable Medical Equipment that are Pharmacies
111-87	10/30/2009	S. 1793	Ryan White HIV/AIDS Treatment Extension Act of 2009
111-96	11/6/2009	S. 1694	To Allow the Funding for the Interoperable Emergency Communications Grant Program Established Under the Digital Television Transition and Public Safety Act of 2005 to Remain Available Until Expended Through Fiscal Year 2012
111-117	12/16/2009	H.R. 3288	Medicare Sustainable Growth Rate
111-144	3/2/2010	H.R. 4691	The Temporary Extension Act of 2010
111-148	3/23/2010	H.R. 3590	Patient Protection Affordable Care Act
111-152	3/30/2010	H.R. 4872	Health Care and Education Reconciliation Act of 2010
111-157	4/15/2010	H.R. 4851	The Continuing Extension Act of 2010
111-175	5/27/2010	S. 3333	The Satellite Television Extension and Localism Act of 2010
111-192	6/25/2010	H.R. 3962	The Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010
111-203	7/21/2010	H.R. 4173	Dodd-Frank Wall Street Reform and Consumer Protection Act
111-260	10/8/2010	S. 3304	Twenty-First Century Communications and Video Accessibility Act of 2010
111-264	10/8/2010	S. 3751	Stem Cell therapeutic and Research Reauthorization Act of 2010
111-265	10/8/2010	S. 3828	Making Technical Corrections in the Twenty-First Century Communications and Video Accessibility Act of 2010
111-268	10/12/2010	H.R. 2923	Combat Methamphetamine Enhancement Act of 2010
111-273	10/12/2010	S. 3397	Secure and Responsible Drug Disposal Act of 2010
111-286	11/30/2010	H.R. 5712	The Physician Payment and Therapy Relief Act of 2010
111-309	12/15/2010	H.R. 4994	Medicare and Medicaid Extenders Act of 2010
111-311	12/15/2010	S. 2847	The Commercial Advertisement Loudness Mitigation Act (CALM Act)
111-313	12/18/2010	H.R. 2480	Truth in Fur Labeling Act of 2010
111-324	12/22/2010	H.R. 2941	To Reauthorize and Enhance Johanna's Law to Increase Public Awareness and Knowledge with Respect to Gynecologic Cancers

PUBLIC LAWS: 38—Continued

Public Law	Date Approved	Bill	Title
111–331	12/22/2010	S. 30	The Truth in Caller ID Act of 2010
111–337	12/22/2010	S. 3199	Early Hearing Detection and Intervention Act of 2010
111–_____	12/29/2010	S. 3386	Restore Online Shoppers' Confidence Act
111–_____	12/29/2010	H.R. 6517	Omnibus Trade Act of 2010
111–_____	1/2/2011	H.R. 847	James Zadroga 9/11 Health and Compensation Act of 2010
	Cleared for White House	Bill	Title
Presented to the President	12/28/2010	S. 3036	National Alzheimer's Project Act
Presented to the President	12/28/2010	S. 841	Pedestrian Safety Enhancement Act of 2010
Presented to the President	12/28/2010	H.R. 6533	The Local Community Radio Act of 2010
Presented to the President	12/29/2010	H.R. 2751	Food Safety Enhancement Act of 2009
Presented to the President	12/29/2010	H.R. 5809	Diesel Emissions Reduction Act of 2010
Presented to the President	12/28/2010	H.R. 5470	Reduction of Lead in Drinking Water Act

APPENDIX IV

PART A

PRINTED HEARINGS OF THE COMMITTEE ON ENERGY AND COMMERCE

Serial No.	Hearing Title	Hearing Date(s)
111-1	The U.S. Climate Action Partnership [Full Committee]	January 15, 2009
111-2	The Salmonella Outbreak: The Continued Failure to Protect the Food Supply [Subcommittee on Oversight and Investigations].	February 11, 2009
111-3	The Climate Crisis: National Security, Public Health, and Economic Threats [Subcommittee on Energy and Environment].	February 12, 2009
111-4	Energy Efficiency: Complementary Policies for Climate Legislation [Subcommittee on Energy and Environment].	February 24, 2009
111-5	Reauthorization of the Satellite Home Viewer Extension and Reauthorization Act [Subcommittee on Communications, Technology, and the Internet].	February 24, 2009
111-6	Renewable Energy: Complementary Policies for Climate Legislation [Subcommittee on Energy and Environment].	February 26, 2009
111-7	Revisiting the Toxic Substances Control Act of 1976 [Subcommittee on Commerce, Trade, and Consumer Protection].	February 26, 2009
111-8	The Role of Offsets in Climate Legislation [Subcommittee on Energy and Environment].	March 5, 2009
111-9	Consumer Protection in the Used and Subprime Car Market [Subcommittee on Commerce, Trade, and Consumer Protection].	March 5, 2009
111-10	The Future of Coal Under Climate Legislation [Subcommittee on Energy and Environment].	March 10, 2009
111-11	Making Health Care Work for American Families: Designing a High Performing Healthcare System [Subcommittee on Health].	March 10, 2009
111-12	How Do We Fix Our Ailing Food Safety System? [Subcommittee on Health]	March 11, 2009
111-13	Universal Service: Reforming the High-Cost Fund [Subcommittee on Communications, Technology, and the Internet].	March 12, 2009
111-14	Consumer Protection Policies in Climate Legislation [Subcommittee on Energy and Environment].	March 12, 2009
111-15	Stimulating the Economy through Trade: Examining the Role of Export Promotion [Subcommittee on Commerce, Trade, and Consumer Protection].	March 17, 2009
111-16	Making Health Care Work for American Families: Ensuring Affordable Coverage [Subcommittee on Health].	March 17, 2009
111-17	Competitiveness and Climate Policy: Avoiding Leakage of Jobs and Emissions [Subcommittee on Energy and Environment].	March 18, 2009
111-18	The Salmonella Outbreak: The Role of Industry in Protecting the Nation's Food Supply [Subcommittee on Oversight and Investigations].	March 19, 2009
111-19	Consumer Credit and Debt: The Role of the Federal Trade Commission in Protecting the Public [Subcommittee on Commerce, Trade, and Consumer Protection].	March 24, 2009
111-20	Making Health Care Work for American Families: Improving Access to Care [Subcommittee on Health].	March 24, 2009
111-21	Preparing for Climate Change: Adaptation Policies and Programs [Subcommittee on Energy and Environment].	March 25, 2009
111-22	Institutional Review Boards that Oversee Experimental Human Testing for Profit [Subcommittee on Oversight and Investigations].	March 26, 2009
111-23	Oversight of the Digital Television Transition [Subcommittee on Communications, Technology, and the Internet].	March 26, 2009
111-24	Making Health Care Work for American Families: The Role of Public Health [Subcommittee on Health].	March 31, 2009
111-25	H.R. 1706, the Protecting Consumer Access to Generic Drugs Act of 2009 [Subcommittee on Commerce, Trade, and Consumer Protection].	March 31, 2009
111-26	Oversight of the American Recovery and Reinvestment Act of 2009: Broadband [Subcommittee on Communications, Technology, and the Internet].	April 2, 2009

PRINTED HEARINGS OF THE COMMITTEE ON ENERGY AND COMMERCE—Continued

Serial No.	Hearing Title	Hearing Date(s)
111-27	Making Health Care Work for American Families: Saving Money, Saving Lives [Subcommittee on Health].	April 2, 2009
111-28	Secrecy in the Response to Bayer's Fatal Chemical Plant Explosion [Subcommittee on Oversight and Investigations].	April 21, 2009
111-29	The American Clean Energy Security Act of 2009 [Full Committee and Subcommittee on Energy and Environment].	April 21, 2009 April 22, 2009 April 23, 2009 April 24, 2009
111-30	H.R. 847, the James Zadroga 9/11 Health and Compensation Act of 2009 [Subcommittee on Health].	April 22, 2009
111-31	Communications Networks and Consumer Privacy: Recent Developments [Subcommittee on Communications, Technology, and the Internet].	April 23, 2009
111-32	Examining the Status of U.S. Trade with Cuba and its Impact on Economic Growth [Subcommittee on Commerce, Trade, and Consumer Protection].	April 27, 2009
111-33	Swine Flu Outbreak and the U.S. Federal Response [Subcommittee on Health]	April 30, 2009
111-34	The Bowl Championship Series: Money and Other Issues of Fairness for Publicly Financed Universities [Subcommittee on Commerce, Trade, and Consumer Protection].	May 1, 2009
111-35	Cybersecurity: Network Threats and Policy Challenges [Subcommittee on Communications, Technology, and the Internet].	May 1, 2009
111-36	H.R. 2221, the Data Accountability and Protection Act, and H.R. 1319, the Informed P2P User Act [Subcommittee on Commerce, Trade, and Consumer Protection].	May 5, 2009
111-37	An Examination of Competition in the Wireless Industry [Subcommittee on Communications, Technology, and the Internet].	May 7, 2009
111-38	H.R. 2309, the Consumer Credit and Debt Protection Act, and H.R. 2190, the Mercury Pollution Reduction Act [Subcommittee on Commerce, Trade, and Consumer Protection].	May 12, 2009
111-39	H.R. 1346, the Medical Device Safety Act of 2009 [Subcommittee on Health]	May 12, 2009
111-40	Auto Safety: Current Mandates and Emerging Issues [Subcommittee on Commerce, Trade, and Consumer Protection].	May 18, 2009
111-41	Food Safety Enhancement Act of 2009 Discussion Draft [Subcommittee on Health]	June 3, 2009
111-42	Oversight of the Internet Corporation for Assigned Names and Numbers (ICANN) [Subcommittee on Communications, Technology, and the Internet].	June 4, 2009
111-43	Commercial Sales of Military Technologies [Subcommittee on Oversight and Investigations].	June 4, 2009
111-44	Allowance Allocation Policies in Climate Legislation: Assisting Consumers, Investing in a Clean Energy Future, and Adapting to Climate Change [Subcommittee on Energy and Environment].	June 9, 2009
111-45	It's Too Easy Being Green: Defining Fair Green Marketing Practices [Subcommittee on Commerce, Trade, and Consumer Protection].	June 9, 2009
111-46	Emerging Health Care Issues: Follow-on Biologic Drug Competition [Subcommittee on Health].	June 11, 2009
111-47	H.R. 1084, the Commercial Advertisement Loudness Mitigation (CALM) Act, H.R. 1147, the Local Community Radio Act of 2009, and H.R. 1133, the Family Telephone Connection Protection Act of 2009 [Subcommittee on Communications, Technology, and the Internet].	June 11, 2009
111-48	The Future of the Grid: Proposals for Reforming National Transmission Policy [Subcommittee on Energy and Environment].	June 12, 2009
111-49	GM and Chrysler Dealership Closures and Restructuring [Subcommittee on Oversight and Investigations].	June 12, 2009
111-50	Terminations of Individual Health Policies by Insurance Companies [Subcommittee on Oversight and Investigations].	June 16, 2009
111-51	Discussion Draft of Legislation to Reauthorize the Satellite Home Viewer Act [Subcommittee on Communications, Technology, and the Internet].	June 16, 2009
111-52	Medical Devices: Are Current Regulations Doing Enough for Patients? [Subcommittee on Health].	June 18, 2009
111-53	Behavioral Advertising: Industry Practices and Consumers' Expectations [Subcommittee on Communications, Technology, and the Internet and Subcommittee on Commerce, Trade, and Consumer Protection].	June 18, 2009
111-54	Comprehensive Health Care Reform Discussion Draft [Full Committee and Subcommittee on Health].	June 23, 2009 June 24, 2009 June 25, 2009

PRINTED HEARINGS OF THE COMMITTEE ON ENERGY AND COMMERCE—Continued

Serial No.	Hearing Title	Hearing Date(s)
111-55	U.S.-Africa Trade Relations: Creating a Platform for Economic Growth [Subcommittee on Commerce, Trade, and Consumer Protection and House Foreign Affairs Subcommittee on Africa and Global Health].	June 24, 2009
111-56	Regulation of Bottled Water [Subcommittee on Oversight and Investigations]	July 8, 2009
111-57	The Proposed Consumer Financial Protection Agency: Implications for Consumers and the FTC [Subcommittee on Commerce, Trade, and Consumer Protection].	July 8, 2009
111-58	Terminations of Health Policies by Insurance Companies: State Perspectives and Legislative Solutions [Subcommittee on Oversight and Investigations].	July 27, 2009
111-59	Oversight of Cemeteries and Other Funeral Services: Who's in Charge? [Subcommittee on Commerce, Trade, and Consumer Protection].	July 27, 2009
111-60	Ryan White CARE Act Amendments of 2009 Discussion Draft Legislation [Subcommittee on Health].	September 9, 2009
111-61	H.R. 3276, the American Medical Isotopes Production Act of 2009: Solving the Medical Isotopes Crisis [Subcommittee on Energy and Environment].	September 9, 2009
111-62	Oversight of the American Recovery and Reinvestment Act: Broadband, Part 2 [Subcommittee on Communications, Technology, and the Internet].	September 10, 2009
111-63	Consumer Product Safety Commission Oversight: Current Issues and a Vision for the Future [Subcommittee on Commerce, Trade, and Consumer Protection].	September 10, 2009
111-64	Preparing for the 2009 Pandemic Flu [Full Committee]	September 15, 2009
111-65	Oversight of the Federal Communications Commission [Subcommittee on Communications, Technology, and the Internet].	September 17, 2009
111-66	Federal Oversight of High Containment Bio-Laboratories [Subcommittee on Oversight and Investigations].	September 22, 2009
111-67	A National Interoperable Broadband Network for Public Safety: Recent Developments [Subcommittee on Communications, Technology, and the Internet].	September 24, 2009
111-68	H.R. 3258, the Drinking Water System Security Act of 2009, and H.R. 2868, the Chemical Facility Anti-Terrorism Act of 2009 [Subcommittee on Energy and Environment].	October 1, 2009
111-69	H.R. 1740, the Breast Cancer Education and Awareness Requires Learning Young Act of 2009, H.R. 1691, the Breast Cancer Patient Protection Act of 2009, H.R. 2279, the Eliminating Disparities in Breast Cancer Treatment Act of 2009, and H.R. 995, the Mammogram and MRI Availability Act of 2009 [Subcommittee on Health].	October 7, 2009
111-70	Growing U.S. Trade in Green Technology [Subcommittee on Commerce, Trade, and Consumer Protection].	October 7, 2009
111-71	The Minority Business Development Agency: Enhancing the Prospects for Success [Subcommittee on Commerce, Trade, and Consumer Protection].	October 15, 2009
111-72	Insured But Not Covered: The Problem of Underinsurance [Subcommittee on Oversight and Investigations].	October 15, 2009
111-73	H.R. 515, the Radioactive Import Deterrence Act [Subcommittee on Energy and Environment].	October 16, 2009
111-74	H.R. 2708, the Indian Health Care Improvement Act Amendments of 2009 [Subcommittee on Health].	October 20, 2009
111-75	The High Cost of Small Business Health Insurance: Limited Options, Limited Coverage [Subcommittee on Oversight and Investigations].	October 20, 2009
111-76	Video Competition in a Digital Age [Subcommittee on Communications, Technology, and the Internet].	October 22, 2009
111-77	Protecting the Electric Grid: H.R. 2165, the Bulk Power System Protection Act of 2009, and H.R. 2195 [Subcommittee on Energy and Environment].	October 27, 2009
111-78	The NFL StarCaps Case: Are Sports' Anti-Doping Programs at a Legal Crossroads? [Subcommittee on Commerce, Trade, and Consumer Protection].	November 3, 2009
111-79	Driven To Distraction: Technological Devices and Vehicle Safety [Subcommittee on Commerce, Trade, and Consumer Protection and Subcommittee on Communications, Technology, and the Internet].	November 4, 2009
111-80	Prioritizing Chemicals for Safety Determination [Subcommittee on Commerce, Trade, and Consumer Protection].	November 17, 2009
111-81	Universal Service Reform Act of 2009 Discussion Draft [Subcommittee on Communications, Technology, and the Internet].	November 17, 2009
111-82	H1N1 Preparedness: An Overview of Vaccine Production and Distribution [Subcommittee on Health and Subcommittee on Oversight and Investigations].	November 18, 2009
111-83	Exploring the Offline and Online Collection and Use of Consumer Information [Subcommittee on Commerce, Trade, and Consumer Protection and Subcommittee on Communications, Technology, and the Internet].	November 19, 2009

PRINTED HEARINGS OF THE COMMITTEE ON ENERGY AND COMMERCE—Continued

Serial No.	Hearing Title	Hearing Date(s)
111-84	Impacts of H.R. 3795, the Over-the-Counter Derivatives Markets Act of 2009, on Energy Markets [Subcommittee on Energy and Environment].	December 2, 2009
111-85	Breast Cancer Screening Recommendations [Subcommittee on Health]	December 2, 2009
111-86	H.R. 3993, the Calling Card Consumer Protection Act of 2009 [Subcommittee on Commerce, Trade, and Consumer Protection].	December 3, 2009
111-87	Prescription Drug Price Inflation: Are Prices Rising Too Fast? [Subcommittee on Health].	December 8, 2009
111-88	Drinking Water and Public Health Impacts of Coal Combustion Waste Disposal [Subcommittee on Energy and Environment].	December 10, 2009
111-89	H.R. 3125, the Radio Spectrum Inventory Act, and H.R. 3019, the Spectrum Relocation Improvement Act of 2009 [Subcommittee on Communications, Technology, and the Internet].	December 15, 2009
111-90	Innovations in Addressing Childhood Obesity [Subcommittee on Health]	December 16, 2009
111-91	The ExxonMobil-XTO Merger: Impacts on U.S. Energy Markets [Subcommittee on Energy and Environment].	January 20, 2010
111-92	Crib Safety: Assessing the Need for Better Oversight [Subcommittee on Oversight and Investigations].	January 21, 2010
111-93	H.R. 3655, the Bereaved Consumer's Bill of Rights Act of 2009 [Subcommittee on Commerce, Trade, and Consumer Protection].	January 27, 2010
111-94	An Examination of the Proposed Combination of Comcast and NBC Universal [Subcommittee on Communications, Technology, and the Internet].	February 4, 2010
111-95	A Review of the Department of Health and Human Services Fiscal Year 2011 Budget [Full Committee].	February 4, 2010
111-96	Response by Toyota and NHTSA to Incidents of Sudden Unintended Acceleration [Subcommittee on Oversight and Investigations].	February 23, 2010
111-97	Premium Increases by Anthem Blue Cross in the Individual Health Insurance Market [Subcommittee on Oversight and Investigations].	February 24, 2010
111-98	The Collection and Use of Location Information for Commercial Purposes [Subcommittee on Commerce, Trade, and Consumer Protection and Subcommittee on Communications, Technology, and the Internet].	February 24, 2010
111-99	Endocrine Disrupting Chemicals in Drinking Water: Risks to Human Health and the Environment [Subcommittee on Energy and Environment].	February 25, 2010
111-100	Medical Radiation: An Overview of the Issues [Subcommittee on Health]	February 26, 2010
111-101	Oversight of the American Recovery and Reinvestment Act: Broadband, Part 3 [Subcommittee on Communications, Technology, and the Internet].	March 4, 2010
111-102	TSCA and Persistent, Bioaccumulative, and Toxic Chemicals: Examining Domestic and International Actions [Subcommittee on Commerce, Trade, and Consumer Protection].	March 4, 2010
111-103	Drug Safety: An Update from the Food and Drug Administration [Subcommittee on Health].	March 10, 2010
111-104	NHTSA Oversight: The Road Ahead [Subcommittee on Commerce, Trade, and Consumer Protection].	March 11, 2010
111-105	HomeStar: Job Creation Through Home Energy Retrofits [Subcommittee on Energy and Environment].	March 18, 2010
111-106	H.R. 1796, the Residential Carbon Monoxide Poisoning Prevention Act, and H.R. 4805, the Formaldehyde Standards for Composite Wood Products Act [Subcommittee on Commerce, Trade, and Consumer Protection].	March 18, 2010
111-107	Oversight of the Federal Energy Regulatory Commission [Subcommittee on Energy and Environment].	March 23, 2010
111-108	NCI Cancer Research: Today's Progress; Tomorrow's Challenges [Subcommittee on Health].	March 23, 2010
111-109	Oversight of the Federal Communications Commission: The National Broadband Plan [Subcommittee on Communications, Technology, and the Internet].	March 25, 2010
111-110	Smokeless Tobacco: Impact on the Health of our Nation's Youth and Use in Major League Baseball [Subcommittee on Health].	April 14, 2010
111-111	The National Broadband Plan: Deploying Quality Broadband Services to the Last Mile [Subcommittee on Communications, Technology, and the Internet].	April 21, 2010
111-112	The Environment and Human Health: HHS' Role [Subcommittee on Health]	April 22, 2010
111-113	Clean Energy Policies That Reduce Our Dependence on Oil [Subcommittee on Energy and Environment].	April 28, 2010
110-114	Public Sales of Hurricane Katrina/Rita FEMA Trailers: Are They Safe or Environmental Time Bombs? [Subcommittee on Commerce, Trade, and Consumer Protection].	April 28, 2010
111-115	Antibiotic Resistance and the Threat to Public Health [Subcommittee on Health]	April 28, 2010

PRINTED HEARINGS OF THE COMMITTEE ON ENERGY AND COMMERCE—Continued

Serial No.	Hearing Title	Hearing Date(s)
111-116	H. R. _____, the Consumer Product Safety Enhancement Act [Subcommittee on Commerce, Trade, and Consumer Protection].	April 29, 2010
111-117	The National Broadband Plan: Competitive Availability of Navigation Devices [Subcommittee on Communications, Technology, and the Internet].	April 29, 2010
111-118	The Role and Performance of FDA in Ensuring Food Safety [Subcommittee on Oversight and Investigations].	May 6, 2010
111-119	H.R. 4700, the Transparency in All Health Care Pricing Act of 2010; H.R. 2249, the Health Care Price Transparency Promotion Act of 2009; and H.R. 4803, the Patients' Right to Know Act [Subcommittee on Health].	May 6, 2010
111-120	H.R. _____, the Motor Vehicle Safety Act of 2010 [Subcommittee on Commerce, Trade, and Consumer Protection].	May 6, 2010
111-121	Prematurity and Infant Mortality: What Happens When Babies Are Born Too Early? [Subcommittee on Health].	May 12, 2010
111-122	Inquiry into the Deepwater Horizon Gulf Coast Oil Spill [Subcommittee on Oversight and Investigations].	May 12, 2010
111-123	H.R. 4501, the Guarantee of a Legitimate Deal Act, and H.R. 2480, the Truth in Fur Labeling Act [Subcommittee on Commerce, Trade, and Consumer Protection].	May 13, 2010
111-124	The National Broadband Plan: Promoting Broadband Adoption [Subcommittee on Communications, Technology, and the Internet].	May 13, 2010
111-125	H.R. _____, the Assistance, Quality, and Affordability Act of 2010 [Subcommittee on Energy and Environment].	May 13, 2010
111-126	Update on Toyota and NHTSA's Response to the Problem of Sudden Unintended Acceleration [Subcommittee on Oversight and Investigations].	May 20, 2010
111-127	Effects of Developments in Synthetic Genomics [Full Committee]	May 27, 2010
111-128	Combating the BP Oil Spill [Subcommittee on Energy and Environment]	May 27, 2010
111-129	Local Impact of the Deepwater Horizon Oil Spill [Subcommittee on Oversight and Investigations].	June 7, 2010
111-130	Promoting the Development of Antibiotics and Ensuring Judicious Use in Humans [Subcommittee on Health].	June 9, 2010
111-131	H.R. 3101, the Twenty-First Century Communications and Video Accessibility Act of 2009 [Subcommittee on Communications, Technology, and the Internet].	June 10, 2010
111-132	The BP Oil Spill: Human Exposure and Environmental Fate [Subcommittee on Energy and Environment].	June 10, 2010
111-133	NIH in the 21st Century: The Director's Perspective [Subcommittee on Health]	June 15, 2010
111-134	Drilling Down on America's Energy Future: Safety, Security and Clean Energy [Subcommittee on Energy and Environment].	June 15, 2010
111-135	HHS Actions to Identify and Address Health Effects of the BP Oil Spill [Subcommittee on Health].	June 16, 2010
111-136	H.R. 4678, the Foreign Manufacturers Legal Accountability Act, and H.R. 5156, the Clean Energy Technology Manufacturing and Export Assistance Act [Subcommittee on Commerce, Trade, and Consumer Protection].	June 16, 2010
111-137	The Role of BP in the Deepwater Horizon Explosion and Oil Spill [Subcommittee on Oversight and Investigations].	June 17, 2010
111-138	Discussion Draft to Provide Funding for the Construction and Maintenance of a Nationwide, Interoperable Public Safety Broadband Network, and for Other Purposes, and H.R. 4829, the Next Generation 911 Preservation Act of 2010 [Subcommittee on Communications, Technology, and the Internet].	June 17, 2010
111-139	MedPAC's June 2010 Report to Congress: Aligning Incentives in Medicare [Subcommittee on Health].	June 23, 2010
111-140	Legislation to Respond to the BP Oil Spill and Prevent Future Oil Well Blowouts [Subcommittee on Energy and Environment].	June 30, 2010
111-141	The Battle Against Diabetes: Progress Made; Challenges Unmet [Subcommittee on Health].	July 1, 2010
111-142	Comcast and NBC Universal: Who Benefits? [Subcommittee on Communications, Technology, and the Internet].	July 8, 2010
111-143	H.R. 4692, the National Manufacturing Strategy Act of 2010 [Subcommittee on Commerce, Trade, and Consumer Protection].	July 14, 2010
111-144	Antibiotic Resistance and the Use of Antibiotics in Animal Agriculture [Subcommittee on Health].	July 14, 2010
111-145	The Role of the Interior Department in the Deepwater Horizon Disaster [Subcommittee on Energy and Environment and Subcommittee on Oversight and Investigations].	July 20, 2010
111-146	H.R. 5710, the National All-Schedules Electronic Reporting Reauthorization Act of 2010, and H.R. 5809, the Safe Drug Disposal Act [Subcommittee on Health].	July 22, 2010

PRINTED HEARINGS OF THE COMMITTEE ON ENERGY AND COMMERCE—Continued

Serial No.	Hearing Title	Hearing Date(s)
111-147	H.R. 5777, the BEST PRACTICES Act, and H.R. ———, a discussion draft to require notice to and consent of an individual prior to the collection and disclosure of certain personal information relating to that individual [Subcommittee on Commerce, Trade, and Consumer Protection].	July 22, 2010
111-148	Direct-To-Consumer Genetic Testing and the Consequences to the Public Health [Subcommittee on Oversight and Investigations].	July 22, 2010
111-149	Implementation of the Health Information Technology for Economic and Clinical Health (HITECH) Act [Subcommittee on Health].	July 27, 2010
111-150	The BP Oil Spill and Gulf Coast Tourism: Assessing the Impact [Subcommittee on Commerce, Trade, and Consumer Protection].	July 27, 2010
111-151	H.R. 5820, the Toxic Chemicals Safety Act of 2010 [Subcommittee on Commerce, Trade, and Consumer Protection].	July 29, 2010
111-152	The BP Oil Spill: Accounting for the Spilled Oil and Ensuring the Safety of Seafood from the Gulf [Subcommittee on Energy and Environment].	August 19, 2010
111-153	Protecting School-Aged Children from Sports-Related Concussion Injury [Subcommittee on Health].	September 8, 2010
111-154	Pending Public Health Legislation [Subcommittee on Health]	September 15, 2010
111-155	Medicare's Competitive Bidding Program for Durable Medical Equipment: Implications for Quality, Cost and Access [Subcommittee on Health].	September 15, 2010
111-156	H.R. 5828, the Universal Service Reform Act of 2010 [Subcommittee on Communications, Technology, and the Internet].	September 16, 2010
111-157	The Outbreak of Salmonella in Eggs [Subcommittee on Oversight and Investigations].	September 22, 2010
111-158	Cutting Waste, Fraud, and Abuse in Medicare and Medicaid [Subcommittee on Health].	September 22, 2010
111-159	Pipeline Safety Oversight and Legislation [Subcommittee on Energy and Environment].	September 23, 2010
111-160	H.R. 6149, the Coin and Precious Metal Disclosure Act [Subcommittee on Commerce, Trade, and Consumer Protection].	September 23, 2010
111-161	Discussion Draft of Drug Safety Legislation [Subcommittee on Health]	September 30, 2010
111-162	Do-Not-Track Legislation: Is Now the Right Time? [Subcommittee on Commerce, Trade, and Consumer Protection].	December 2, 2010
111-163	Alzheimer's Disease: The Ongoing Challenges [Subcommittee on Health]	December 9, 2010

PART B

COMMITTEE PRINTS

Serial No.	Committee Print Title	Date
111-A	Compilation of Patient Protection and Affordable Care Act As Amended Through November 1, 2010 [Committee on Energy and Commerce].	November 2010
111-B	Compilation of Selected Acts within the Jurisdiction of the Committee on Energy and Commerce Health Law Public Health Service Act As Amended Through January 2, 2011 [Committee on Energy and Commerce].	January 2011

